

EXHIBIT A



Deposition of:
Jeffrey Stepanovich

January 23, 2020

In the Matter of:
**Stepanovich, Jeffrey Vs. Ken Corbett
Farms, LLC**

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Stepanovich, Jeffrey Vs. Ken Corbett Farms, LLC

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

JEFFREY STEPANOVICH,
Plaintiff,

-vs-

Civil Action

7:18-CV-00186-HL

KEN CORBETT FARMS, LLC,
A GEORGIA LIMITED LIABILITY COMPANY,
Defendant.

Deposition of JEFFREY STEPANOVICH, taken on
behalf of the DEFENDANTS, pursuant to the Federal
Rules of Civil procedure, taken at Moore Voyles, 1008
N. Patterson Street, Valdosta, Georgia 31691, on
Thursday, January 23, 2020, at 8:09 a.m., and
concluded at 12:29 p.m., before Julie F. Robinson
Lawrence, Certified Court Reporter, in and for the
State of Georgia, and concluded on the same date.

- - -

A P P E A R A N C E S

Appearing on behalf of the Plaintiff:

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Also Present:

Gregory Voyles, Attorney at Law

Kenneth Corbett

Stepanovich, Jeffrey Vs. Ken Corbett Farms, LLC

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1 MS. WASHINGTON: Everything
2 okay on your end?

3 Perfect. Good morning. My
4 name is Destiny Washington, and I
5 represent Defendant Ken Corbett Farms
6 in case 7:18CV00186, Jeffrey
7 Stepanovich versus Ken Corbett Farms
8 in the US District Court for the
9 Middle District of Georgia.

10 Mr. Stepanovich, can you
11 please raise your right hand.

12 (Witness Sworn).

13 MS. WASHINGTON: There are
14 other people in the room and I guess
15 Noah doesn't have the benefit of
16 knowing who's in here. I'll have
17 everybody introduce themselves, say
18 and spell your name for the court
19 reporter.

20 MR. VOYLES: Greg Voyles,
21 personal attorney for Ken Corbett.

22 MR. CORBETT: Kenneth Corbett.
23 K-E-N-N-E-T-H, C-O-R-B-E-T-T.

24 THE WITNESS: Jeff
25 Stepanovich, J-E-F-F,

1 S-T-E-P-A-N-O-V-I-C-H.

2 MS. WASHINGTON: Okay. This
3 deposition is taken pursuant to
4 notice and agreement of counsel to be
5 used for all purposes under the
6 Federal Rules of Civil Procedure.

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1 JEFFREY STEPANOVICH,
2 having been produced and first duly sworn,
3 testified as follows:

4 EXAMINATION

5 BY MS. WASHINGTON:

6 Q. Mr. Stepanovich -- is it Stepanovich?

7 A. Stepanovich.

8 Q. Okay. Completely different.

9 Do you understand that you are under
10 oath today?

11 A. Yes, I do.

12 Q. And this is a formal proceeding but you
13 can ask questions. Do you understand?

14 A. Yes.

15 Q. If you don't understand what I'm saying
16 at any point, please ask for clarification.

17 A. Okay.

18 Q. And if you don't know the answer to any
19 question that I'm asking you, please don't guess,
20 just say that you don't know.

21 A. Okay.

22 Q. If there's a document that might help
23 you recall something, please let me know. And
24 during the course of this deposition if there's
25 something that you want to correct or add to at

1 any point, just let me know. I just ask that you
2 not interrupt -- if I'm talking, that you not
3 interrupt me. We shouldn't interrupt each other
4 because the court reporter can't accurately record
5 that.

6 A. Okay.

7 Q. But I guess you can wait until I'm
8 finished with what I'm saying and then just let me
9 know if there's something you have to say. The
10 court reporter can't hear us when we're making any
11 nonverbal gestures, so if you nod your head, she
12 won't catch that, so I might ask that you
13 verbalize whatever you were signaling. Is that
14 okay?

15 A. That's fine.

16 Q. And, again, she can't transcribe what
17 we're saying if we're talking over each other, so
18 I'd ask that you wait until I finish and I'll do
19 the same for you. Okay? If you need a break at
20 any point, that's understandable. Please just let
21 me know. But the only exception is if we're in
22 the middle of a question and you haven't answered
23 yet, so after you finish your answer is fine, but
24 you can take break at any point. All right?

25 A. Okay.

1 Q. Are you under the -- have you taken any
2 medication that could interfere with your ability
3 to testify today?

4 A. No.

5 Q. And were there any alcoholic beverages
6 you took this morning?

7 A. No.

8 Q. Okay. Any other reason you can't
9 testify truthfully today?

10 A. No.

11 Q. Thank you. Okay. Can you say and spell
12 your name one more time for the court reporter?

13 A. Jeff Stepanovich. J-E-F-F,
14 S-T-E-P-A-N-O-V-I-C-H.

15 Q. So your name is Jeff and not Jeffrey?

16 A. My formal name is Jeffrey. Jeffrey
17 John, yes.

18 Q. Okay. Can you spell Jeffrey for me.

19 A. J-E-F-F-R-E-Y.

20 Q. Okay. Thank you.

21 And have you ever been deposed before?

22 A. No.

23 Q. Did you prepare for today's deposition?

24 A. Prepare as in?

25 Q. Did you review any documents in

1 preparation for today's deposition?

2 A. I went --

3 MR. STORCH: Object to the
4 extent that the question calls for
5 attorney/client privilege. So don't
6 discuss anything that you discussed
7 with me or anyone in my office or any
8 documents that we exchanged such as
9 emails.

10 BY MS. WASHINGTON:

11 Q. Okay. Yeah. And he's correct. You
12 shouldn't reveal -- I'm not asking you to reveal
13 any conversations that you had with your attorney,
14 but if there were any documents that you reviewed
15 to prepare you for today?

16 A. No.

17 Q. Okay. And did you meet with your lawyer
18 to prepare for this deposition?

19 A. No.

20 Q. Okay. Do you -- and we'll kind of shift
21 gears a little bit. So what's your current
22 address?

23 A. 1100 Holiday Lane, Naples, Florida
24 34104.

25 Q. And do you own that?

1 A. Yes.

2 Q. How long have you owned it?

3 A. Roughly five years.

4 Q. Okay. Where did you live before that?

5 A. 10651 Regent Circle, Naples, Florida.

6 Q. Did you own that?

7 A. Yes.

8 Q. How long did you live there?

9 A. Seventeen years.

10 Q. And what is your current phone number?

11 A. Cell phone? (239) 206-9855.

12 Q. What's the cell phone provider?

13 A. Sprint.

14 Q. And how long have you had that number?

15 A. I don't know, roughly, 10 years

16 probably.

17 Q. Are you currently married?

18 A. Yes.

19 Q. And what's your wife's name?

20 A. Lora, L-O-R-A.

21 Q. L-O-R-A. Stepanovich?

22 A. Yes.

23 Q. How long have you been married?

24 A. Twenty-seven years.

25 Q. And does Lora live with you?

1 A. Yes.

2 Q. Has she lived with you at Holiday Lane?

3 A. Yes.

4 Q. And Regent Circle?

5 A. Yes.

6 Q. And what's her occupation?

7 A. Small business owner.

8 Q. What kind of business is it?

9 A. She's a concierge for estate homes.

10 Q. Estate homes?

11 A. Yes.

12 Q. Okay. Do you have any children?

13 A. Four.

14 Q. Are any of them under 18?

15 A. No.

16 Q. Can you tell me their names and
17 occupations?

18 A. Jerry works for Toyota in San Antonio.
19 Garrett works for Shell Oil in Houston and
20 Pittsburg, Pennsylvania. Jessica works for Wright
21 Medical and Madison works for the SBA in St. Pete.

22 Q. Does Jessica live in Florida?

23 A. Yes. In St. Pete as well.

24 Q. And Jerry and Garrett live in Texas?

25 A. Yes.

1 Q. Do any of them currently live with you?

2 A. No.

3 Q. Now, are you a member of any social
4 organizations?

5 A. No.

6 Q. What about professional organizations?

7 A. No.

8 Q. Let's talk about your education. Tell
9 us about -- did you graduate high school?

10 A. Yes.

11 Q. Can you tell us about your education
12 since high school?

13 A. Bachelor's in education, Western
14 Michigan University, graduated in 1983.

15 Q. 1983?

16 A. Yes.

17 Q. Okay.

18 A. Did my graduate at Western Michigan in
19 1992.

20 Q. So did you get a graduate degree?

21 A. No. I'm two classes short.

22 Q. And have you attended any trade school?

23 A. No.

24 Q. Vocational school?

25 A. No.

1 Q. Do you have any licenses besides a
2 driver's license?

3 A. No.

4 Q. Any certifications?

5 A. No.

6 Q. You have a driver's license?

7 A. Yes.

8 Q. What state?

9 A. Florida.

10 Q. Have you ever filed for bankruptcy?

11 A. No.

12 Q. So tell us about your employment since
13 you graduated high school.

14 A. Since high school?

15 Q. Yes.

16 A. Construction while I was in college. I
17 worked for General Motors during the summer for my
18 last two years in college. Once I graduated from
19 college, I was a substitute teacher in Alaska and
20 then I became a legislative aide in Alaska and
21 then I went to work for a company called Executone
22 selling telephone systems and nurse call systems.

23 Q. You said Executone?

24 A. Executone. Yes.

25 Q. Okay.

1 A. Upon leaving Alaska and coming to
2 Florida, opened an office for Executone in South
3 Florida, then left them and went with a startup
4 company called Fluid Sense. When I left Fluid
5 Sense, I got in the produce business and went to
6 work for Florida Specialties.

7 Q. Can you spell Fluid Sense for me.

8 A. F-L-U-I-D S-E-N-S-E. They're no longer
9 in -- S-E-N-S-E, yeah, I think that's what it was.

10 Q. They're not in business anymore?

11 A. No.

12 Q. What did they -- what did you do for
13 them?

14 A. We manufactured an infusion pump and I
15 was the vice president of sales from Mississippi
16 east.

17 Q. So you did sales there?

18 A. Yes.

19 Q. Okay. What is an infusion pump?

20 A. What you get hooked up to when you get
21 your fluids in the hospital.

22 Q. Okay. So medical equipment?

23 A. Yes.

24 Q. All right. So we'll come back to the
25 produce business -- when you got -- when you went

1 to the produce business.

2 A. Okay.

3 Q. Florida Specialties. But I just wanted
4 to fill in some of the -- ask you some more
5 questions about the other jobs that you held. So
6 for Executone, what did you do there?

7 A. I sold telephone systems and nurse call
8 equipment.

9 Q. Nurse call equipment?

10 A. Yes.

11 Q. That's used in a hospital?

12 A. When you lay in bed and call your nurse.
13 Yes.

14 Q. Okay. And you said that you moved from
15 Alaska to Florida and opened an office in Florida
16 for Executone?

17 A. Yes.

18 Q. Was it -- were you doing the same thing?

19 A. Yes.

20 Q. When you said you opened the office, did
21 you manage it?

22 A. I was the southern sales manager. Yes.

23 Q. Were you in management in -- before you
24 moved to Florida?

25 A. Yes.

1 Q. Okay. So I guess we can -- why -- so
2 why did you leave Executone and move into the
3 produce business? Excuse me. Why did you leave
4 Executone and move to Fluid Sense?

5 A. Fluid Sense was a financial opportunity
6 to own part of the company and be the vice
7 president of the eastern region.

8 Q. Okay. And eastern region, did that
9 encompass a certain number of states?

10 A. The Mississippi River east.

11 Q. So would that be -- that would encompass
12 Florida and Georgia?

13 A. Yes.

14 Q. Any other states?

15 A. Yes. South Carolina, North Carolina,
16 Virginia, Maryland, DC, Maine, New Hampshire,
17 Vermont, New York, Pennsylvania, Michigan,
18 Wisconsin, Kentucky, Illinois. What am I missing?
19 Iowa, Tennessee. Without a map in front of me, I
20 think I got most of them.

21 Q. So half the country pretty much?

22 A. Yes.

23 Q. Okay. East of the Mississippi River?

24 A. Correct.

25 Q. Okay. So when you said that you were

1 the vice president, what did that -- I mean, what
2 were your duties in that position?

3 A. Basically responsible for sales and
4 implementation of a new infusion pump throughout
5 the eastern seaboard of the United States.

6 Q. And when you were at Fluid Sense, do
7 you -- what was your -- what were you compensated
8 there? What was your compensation?

9 A. Salary and then commission.

10 Q. And could you tell me the years that you
11 were at Fluid Sense?

12 A. Without notes in front of me, I can't
13 give you the exact dates, no.

14 Q. Okay. Do you remember generally what
15 your salary and commission, what the total was
16 maybe the last year you were there?

17 A. Upper 100 -- upper lower -- it was
18 probably 180 to \$200,000.

19 Q. All right. So tell us how you started
20 in the produce business with Florida Specialties.
21 How did you make that transition from Fluid Sense?

22 A. Our product at Fluid Sense was regulated
23 by the FDA. We manufactured it outside of Boston.
24 We had a self-reported seal failure on one piece
25 of equipment and the FDA shut us down, so the

1 company went into bankruptcy.

2 Q. And at that point when the company went
3 into bankruptcy, what did you do?

4 A. I was coaching a girls' softball team
5 and one of my players' father was a farmer and he
6 gave me the opportunity to go in the produce
7 business.

8 Q. And how did he do that?

9 A. He asked me if I wanted a job.

10 Q. Did he work for Florida Specialties?

11 A. Yes.

12 Q. Okay. He was a farmer that supplied
13 product to Florida Specialties?

14 A. He was a grower for Florida Specialties
15 and a nephew of the owner of the company.

16 Q. And what was his name?

17 A. Skeeter Bethea.

18 Q. How do you spell Bethea?

19 A. B-E-T-H-E-A.

20 Q. And who was the owner of the company?

21 A. Jim Joiner.

22 Q. And where were you living at that time?

23 A. In Naples.

24 Q. Have you continuously been in Naples
25 since that point until now?

1 A. Yes.

2 Q. Okay. So tell me about how you -- after
3 your conversation with Mr. Bethea or after your
4 opportunity -- how did your opportunity come about
5 after that introduction?

6 A. Skeeter knew I was going to need a job.
7 He offered me an opportunity to talk with his
8 uncle, Jim Joiner. I met with Mr. Joiner; he
9 offered me a job.

10 Q. And do you remember when you started
11 that job?

12 A. September 9th, 2001. I believe that's
13 the date.

14 Q. And what was the position you were hired
15 for?

16 A. Sales.

17 Q. Was your position salesman?

18 A. Yes.

19 Q. Okay. And what was your compensation
20 there?

21 A. That would be a guess. It was, I think,
22 65 or 75,000 plus commission.

23 Q. Okay. And do you remember what you made
24 that first year? I guess you would have been
25 employed there between September and December. Do

1 you remember what you made that first year?

2 A. No, I don't.

3 Q. The commission, what was that based on?

4 A. It was a 5-3-1, so based on who we sold.
5 We got a commission. Either a 5 percent, 3
6 percent or 1 percent.

7 Q. Okay. So you were at -- just to recap,
8 you started at Florida Specialties as a salesman
9 on September 9th, 2001. And did you have any jobs
10 between Florida Specialties and Ken Corbett Farms?
11 Were there any other jobs?

12 A. Yes.

13 Q. Okay. What was that?

14 A. I worked for Pacific Collier. Pacific
15 Collier.

16 Q. Okay. Can you spell Collier for me?

17 A. C-O-L-L-I-E-R.

18 Q. Okay. Pacific Collier. What did you do
19 there?

20 A. I was the director of marketing.

21 Q. When was that?

22 A. It was 2002, is when I started there.

23 Q. And did you work there and Florida
24 Specialties?

25 A. No. I left Florida Specialties to go to

1 work for Pacific Collier.

2 Q. Okay. Do you remember what month in
3 2002?

4 A. Sometime that summer.

5 Q. So you worked for Florida Specialties
6 for less than a year?

7 A. Correct.

8 Q. And then -- well, how long were you at
9 Pacific Collier?

10 A. Roughly four years.

11 Q. So from 2004 to 2006?

12 A. Roughly, yes.

13 Q. And what was your compensation there?

14 A. It was over 100,000. I just don't
15 remember what it was.

16 Q. And why did you leave Florida
17 Specialties to go there?

18 A. Florida Specialties didn't have any
19 benefit package or anything, and I had four young
20 kids. So -- no insurance. So Pacific Collier
21 offered all of those things.

22 Q. So why did you leave Pacific Collier?

23 A. They shut down their farming operations.

24 Q. So they were -- what was the line of
25 business -- what kind of business was Pacific

1 Collier in?

2 A. Produce business.

3 Q. Okay. So there was marketing for
4 produce?

5 A. Marketing and selling for produce. Yes.

6 Q. So when you left Pacific Collier, where
7 did you go after that?

8 A. Went back to Florida Specialties.

9 Q. And that was in 2006?

10 A. Roughly. Yes.

11 Q. And was Mr. --

12 A. Joiner.

13 Q. -- Jim Joiner still the owner?

14 A. Yes.

15 Q. Okay. So did you approach him about a
16 job?

17 A. He called me.

18 Q. Okay. Did he know that you were not
19 working at Pacific Collier anymore?

20 A. Yes.

21 Q. And did you -- I'm sorry if I asked you
22 this before, but did you -- you said that Pacific
23 Collier got out of the produce business. So did
24 you -- were you terminated -- were you fired or
25 did you resign?

1 A. They were down-staffing, so ...

2 Q. You were laid off?

3 A. I was laid off, I guess.

4 Q. And Mr. Joiner knew that you were laid
5 off and contacted you?

6 A. Yes.

7 Q. Okay. And you accepted a job?

8 A. Yes.

9 Q. Do you remember when you started there
10 again?

11 A. Probably that fall.

12 Q. Fall of 2006?

13 A. Yes.

14 Q. Okay. Did you have any other jobs
15 between when you started back at Florida
16 Specialties and they -- did you have any jobs
17 between Florida Specialties when you started back
18 in 2006 and Ken Corbett Farms?

19 A. Ask me that another -- again, please.

20 Q. Were there any other jobs between --
21 were there any other jobs -- where did you go
22 after you came back to -- tell me how -- hold on.
23 Let me get my thoughts together.

24 When did you start working for Ken
25 Corbett Farms? What year was that?

1 A. Directly for him?

2 Q. Yes.

3 A. Or selling for him?

4 Q. Directly for him as an employee.

5 A. What was it, 2011?

6 Q. Okay. So were there any other jobs --
7 did you work anywhere else besides Florida
8 Specialties before 2011?

9 A. No.

10 Q. Okay. So now we can -- when you went
11 back to Florida Specialties in 2006, did you do
12 the same job that you did when you were there
13 before?

14 A. Yes.

15 Q. Okay. Was it the same compensation?

16 A. No.

17 Q. How was the compensation different this
18 time?

19 A. I negotiated a larger salary and had
20 some other responsibilities added.

21 Q. And what were those?

22 A. I built their food safety program. I
23 was also responsible for purchasing all of the box
24 material, so ...

25 Q. So how much was that salary?

1 A. It was over a hundred and something
2 thousand.

3 Q. And was there still a commission
4 component?

5 A. Yes.

6 Q. And what was that?

7 A. It varied.

8 Q. Okay. Was that the same 5-3-1 you
9 were --

10 A. No.

11 Q. Can you explain what it was?

12 A. It was just -- if I remember correctly,
13 just a straight commission. There wasn't an
14 adjustable.

15 Q. Okay. Now, you testified earlier
16 that -- you asked me a question about when you
17 started selling for Ken Corbett Farms. Do you
18 remember that? You asked me when.

19 A. Yes.

20 Q. So I guess it will be a good time to
21 transition into how you started selling for Ken
22 Corbett Farms. So tell us about that.

23 A. Selling for them, not working for them;
24 correct?

25 Q. Correct. Correct. When was that?

1 A. It was, I believe, two years before I
2 went to work for him.

3 Q. So 2009?

4 A. Roughly, I guess. Yeah, somewhere
5 around there.

6 Q. Okay. So tell us how you started
7 selling for him in 2009.

8 A. Ken and his son Justin came to Florida
9 Specialties, we met and talked about what they
10 were trying to do, and I discussed it with
11 Mr. Joiner. He wanted to be an agent for Corbett
12 Farms.

13 Q. When you say -- tell me, what city is
14 Florida Specialties located in.

15 A. Immokalee.

16 Q. I-M-O-K-L --

17 A. I-M-M-O-K-A-L-E-E.

18 Q. I-M-M-O-K-A-L-E-E. Okay.

19 So when you say that Ken Corbett came to
20 Florida Specialties, what does that mean?

21 A. Him and his son showed up one day. I
22 believe they were in Immokalee looking for a new
23 sales agent to handle their product and they came
24 to our facility, and I was the one who met with
25 them.

1 Q. Okay. Can you tell us the details about
2 that first conversation.

3 A. I don't really recall any specific
4 details, no.

5 Q. And when you say "his son," who are you
6 referring to?

7 A. His son Justin.

8 Q. Okay. Justin Corbett?

9 A. Yes.

10 Q. So they showed up in person --

11 A. Correct.

12 Q. -- to the -- okay. And you spoke with
13 them?

14 A. Yes.

15 Q. And you testified earlier that Ken
16 Corbett wanted Florida Specialties to be an agent
17 for them?

18 A. Was looking for someone to sell his
19 product, yes.

20 Q. Okay. And this is produce?

21 A. Correct.

22 Q. And you had a conversation with the
23 owner about this?

24 A. After, yes.

25 Q. And the owner agreed?

1 A. Correct.

2 Q. Now, what was the -- what was that
3 arrangement? Can you tell us about that?

4 A. If I remember correctly, it was pretty
5 much a standard. We got 6 percent commission, I
6 believe, on the product that we sold of Ken's.

7 Q. Okay. So you were paid 6 percent
8 commission off the product that was sold?

9 A. I was not paid 6 percent, no.

10 Q. Who was paid?

11 A. Florida Specialties was paid 6 percent.

12 Q. And that agreement, was it in writing?

13 A. I believe so.

14 Q. And when you say that you sold the
15 product, was that you personally sold the product?

16 A. It was myself and Chris Tortinato in our
17 sales office sold the product.

18 Q. Tortinato?

19 A. Yes.

20 Q. Okay. And how did you go about selling
21 that product?

22 A. Communicating with our existing client
23 base.

24 Q. Can you walk me through that process,
25 how you did that.

1 A. Generally, on any given day, we would be
2 notified how much product would be produced that
3 day, and then once we found that out, we would
4 start selling it that morning.

5 Q. Who would notify you how much product
6 was being produced?

7 A. Usually the farmer which was Justin.

8 Q. So then you got on the phone and called
9 contacts?

10 A. Yes.

11 Q. Okay. And when you say existing client
12 base, are those people who you have sold to
13 before?

14 A. Sold to before and new, yes.

15 Q. And new?

16 A. And we would have to develop new
17 customers because Georgia was a different sales
18 window than what we sold in Florida.

19 Q. And what does that mean?

20 A. Production time period. We didn't sell
21 that particular product in Georgia, we didn't grow
22 it, so having peppers and eggplant, et cetera was
23 a different -- it just was -- we grew green beans
24 in Georgia. Florida Specialties did. We didn't
25 grow vegetables. So we grew vegetables in

1 Florida, but not in Georgia.

2 Q. So Florida Specialties, they were
3 farmers and -- so Florida Specialties had its own
4 farmers?

5 A. Yes.

6 Q. That grew green beans in Florida?

7 A. And vegetables, yes.

8 Q. Okay. And Ken Corbett grew vegetables
9 in Georgia?

10 A. Correct.

11 Q. So you at Florida Specialties purchased
12 Mr. Corbett's vegetables and sold them to your
13 clients?

14 A. We didn't purchase them. We were a
15 sales agent for Mr. Corbett.

16 Q. Okay. So how did you develop new
17 clients, new customers?

18 A. Like all sales people. On the phone, at
19 trade shows, those kind of things.

20 Q. So when you talk about your client base
21 you refer to people that you've sold to already?

22 A. Correct.

23 Q. Right? So new clients would not be --
24 or potential clients would not be included in your
25 client base?

1 A. They wouldn't be considered a client yet
2 until I sold them something.

3 Q. So how was that -- how long did you sell
4 the product, Ken Corbett's product, while you were
5 employed at Florida Specialties?

6 A. I think roughly two years.

7 Q. And how profitable was that arrangement?

8 A. I don't know.

9 Q. And when did you leave Florida
10 Specialties?

11 A. 2000 -- let's see. I'm trying to work
12 backwards. 2011, I believe.

13 Q. 2011. And why did you leave?

14 A. I was let go.

15 Q. Were you laid off?

16 A. No.

17 Q. Can you explain what "let go" means?

18 A. New owner, him and I didn't agree on
19 some issues so he fired me.

20 Q. What's his name?

21 A. Myles Strolh.

22 Q. M-I-L-E-S?

23 A. M-Y-L-E-S, I believe, S-T-R-O-L-H, I
24 think.

25 Q. S-T-R-O-L-H. Okay. And what didn't you

1 agree on?

2 A. Mainly building a new processing
3 facility, where it should be located.

4 Q. And what happened after you were
5 terminated?

6 A. I was approached by Mr. Corbett to
7 continue to sell his -- a part of his product
8 working with his son-in-law.

9 Q. Okay. When you say "a part of his
10 product," what does that mean?

11 A. That we are going to get a piece -- we
12 were going to get a certain amount of production
13 from the total production because Florida
14 Specialties was, as far as I know, continuing to
15 sell the rest of it.

16 Q. Okay. And when you say "a certain
17 production," do you mean a certain vegetable?

18 A. No. A certain amount, certain volume.

19 Q. And Florida Specialties was handling the
20 sale -- was selling the rest of the product?

21 A. When we started the discussion, yes.

22 Q. Okay. So did that change?

23 A. Yes.

24 Q. Okay. How did that change?

25 A. At some point Florida Specialties --

1 whether it was because I was becoming an employee
2 of Ken's or not, I can't answer that -- basically
3 terminated the contract as far as I know.

4 Q. So when you started working directly for
5 Ken Corbett, Florida Specialties terminated -- to
6 your knowledge terminated the contract at some
7 point after that?

8 A. Correct.

9 Q. Okay. Do you remember the month that
10 you started working for Ken Corbett?

11 A. I believe it was that spring.

12 Q. Of 2011?

13 A. I believe so.

14 Q. So when you were first hired there, what
15 was your compensation?

16 A. It was a salary and then commission.

17 Q. Do you remember how much?

18 A. No, I don't.

19 Q. But it was salary and commission?

20 A. Correct.

21 Q. Okay. And that changed at some point
22 during your employment?

23 A. Yes.

24 Q. What was the change? What did it change
25 to?

1 A. The salary went away.

2 Q. And it was all commission?

3 A. Yes.

4 Q. Okay. What was the position you were
5 hired for at Ken Corbett?

6 A. Salesman.

7 Q. And did you hold the same position the
8 whole time you were employed?

9 A. Yes.

10 Q. And were you -- what were your duties?

11 A. To sell the product. There really was
12 no other defined duties than that.

13 Q. And when you say "the product," you mean
14 Ken Corbett's produce?

15 A. Correct.

16 Q. Did those duties, those general duties,
17 did they ever change throughout your employment
18 with Ken Corbett Farms?

19 A. No.

20 Q. But your compensation changed at one
21 point?

22 A. Yes.

23 Q. And when you sold this product to
24 customers, was it the same -- was it the same
25 process that you explained to me earlier that you

1 engaged in when you were at Florida Specialties?

2 A. Yes.

3 Q. So you would get a call from the farmer
4 about the amount of production from that day --
5 for that day and then call to sell it?

6 A. Basically, yes.

7 Q. Okay. And these customers that you sold
8 it to, they were customers that you knew or your
9 customers from Florida Specialties?

10 A. Basically, yes.

11 Q. So there were additional customers?

12 A. We developed new customers, yes.

13 Q. And the farmers that would call you to
14 tell you about the produce for the day, was it
15 Justin Corbett still?

16 A. Yes.

17 Q. Okay. But you were just working with
18 him directly at that time?

19 A. Yes.

20 Q. Okay. I'm going to -- we're going to
21 continue and go into more detail about this whole
22 sales process, but I just wanted to take the time
23 now to introduce some exhibits and talk to you
24 specifically about what were in those documents.

25 So the first document --

1 MS. WASHINGTON: And, Noah,
2 this is -- the first document I'm
3 handing him we'll mark as Exhibit 1
4 and it's the Plaintiff's Responses to
5 Defendant's First Request for
6 Production. Exhibit 1. Please mark
7 it as Exhibit 1.

8 (Defendant's Exhibit No. 1 was marked
9 for identification.)

10 BY MS. WASHINGTON:

11 Q. Are you done?

12 A. Yes.

13 Q. Taking -- okay. Do you recognize that
14 document?

15 A. I believe I've seen it before, yes.

16 Q. Okay. What it?

17 A. What is what?

18 Q. What is that document?

19 A. It says Plaintiff's Response to
20 Defendant's First Request for Production.

21 Q. Okay. So was this your response to our
22 request for production of documents in this case?

23 A. I'm not sure if I responded to these or
24 not.

25 Q. Did your -- you said that you may have

1 seen them before?

2 A. I've seen a lot of paperwork from you
3 guys so, yes, I may have seen it before. I don't
4 memorize it.

5 Q. Okay. Did your -- you didn't prepare
6 this document, though, yourself, right?

7 MR. STORCH: I'm going to
8 object. He's not going to answer
9 that question. That's
10 attorney/client privilege.

11 MS. WASHINGTON: Well, he said
12 that he -- he can testify if he
13 himself prepared it.

14 MR. STORCH: I don't
15 necessarily agree because what if he
16 prepared it, a response, and sent it
17 to us? That is attorney/client
18 privilege.

19 MS. WASHINGTON: Okay. Well,
20 let me ask you this. You prepared --
21 Noah, you prepared this document as
22 his attorney, right?

23 MR. STORCH: Well, I'm not the
24 one who is being deposed but --

25 MS. WASHINGTON: I -- I

1 understand.

2 MR. STORCH: Hold on. Hold

3 on.

4 MS. WASHINGTON: Okay.

5 MR. STORCH: The responses to
6 Request for Production are dated and
7 they're signed by me, so I don't
8 necessarily think that there's
9 anything else.

10 MS. WASHINGTON: No. That's
11 fine. That's fine.

12 MR. STORCH: Yeah.

13 MS. WASHINGTON: Okay. So I
14 am handing you -- I'm marking this
15 next exhibit as Defendant's Exhibit
16 2.

17 (Defendant's Exhibit No. 2 was marked
18 for identification.)

19 BY MS. WASHINGTON:

20 Q. And this is the actual document
21 production that was produced in response to the
22 Request for Production of Documents.

23 MS. WASHINGTON: Noah, this
24 will be the claimant's -- the Bates
25 stamped documents, claimant's Bates

1 stamped exhibit page 1 through 31.

2 You got that?

3 MR. STORCH: Yeah.

4 BY MS. WASHINGTON:

5 Q. Okay. Mr. Stepanovich, if you can look
6 through those documents and let me know when
7 you're ready.

8 A. Is there anything specific I need to
9 look for?

10 Q. Well, I just -- I'm going to ask you if
11 you recognize it and if you know what it is. So
12 it's Bates stamped pages 1 through 31.

13 Did you get that marked as Exhibit 2?
14 Thank you.

15 A. Okay.

16 Q. Do you recognize the document?

17 A. Yes.

18 Q. And what is it?

19 A. I believe it's some legal forms.

20 Q. Are they -- are they documents that your
21 attorney produced to us or that you produced to us
22 in response to our request for production of
23 documents that was Exhibit 1?

24 A. Based on what I'm seeing, I assume so,
25 yes.

1 Q. Okay. That's fine. Do you recognize
2 those documents as some documents that you
3 created?

4 A. Yes.

5 Q. Okay. Thank you. Now, when we talk
6 about -- we're going to talk about this exhibit,
7 and I'm going to refer to different page numbers,
8 and if you look in the top right-hand corner, do
9 you see the CLMT 0001?

10 A. Yes.

11 Q. Okay. So when I ask you -- if I ask you
12 to go to page 10 of 20, if you'll just look at the
13 last two digits or the last couple of digits and
14 that's how we will follow along. Is that okay?

15 A. Okay.

16 Q. Thank you.

17 All right. So first I'm going to direct
18 your attention to page 6. Tell me when you get
19 there.

20 A. Yes.

21 Q. Okay. Do you recognize the document on
22 page 6 and 7?

23 A. Yes.

24 Q. And what is that?

25 A. The charge of discrimination.

1 Q. Is that the charge that you filed with
2 the EEOC against Ken Corbett Farms that started
3 this case?

4 A. Yes.

5 Q. Okay. And let's skip for the record to
6 page 22. Tell me when you get there.

7 A. I'm there.

8 Q. Okay. And let's look at -- I guess
9 thumb through to page 28. So 22 to page 28 and
10 tell me what those are.

11 A. These are my responses to, I guess, some
12 questions that were raised.

13 Q. Questions that were raised by whom?

14 A. I'm not sure.

15 MR. STORCH: I'm going to
16 object. I don't think that's a fair
17 question because perhaps we had a
18 phone call with our client and then
19 he thinks the questions are coming
20 from us. And I think that the
21 document speaks for itself. It's
22 really a silly question to ask him.

23 MS. WASHINGTON: That's -- I
24 don't believe that it's a silly
25 question. I believe it's a relevant

1 question, but I'll rephrase it.

2 BY MS. WASHINGTON:

3 Q. Mr. Stepanovich, was this letter drafted
4 in -- was it sent to the EEOC in connection with
5 your EEOC charge?

6 A. I'm not sure.

7 MR. STORCH: Object. Mr.
8 Stepanovich, to the extent you know,
9 you can answer it.

10 MS. WASHINGTON: I couldn't
11 hear.

12 MR. STORCH: I said that I'm
13 going to object, but to the extent
14 that Mr. Stepanovich knows the
15 answer, feel free to answer.

16 BY MS. WASHINGTON:

17 Q. You can answer if you know the answer.

18 A. I'm not sure what was sent to the EEOC.

19 Q. Okay. Did you personally draft this
20 document?

21 A. This document?

22 Q. Yes, the one that you're looking at.

23 A. No.

24 Q. Okay. Do you know if it was drafted by
25 Robert Pecchio or Richard Celler?

1 A. I can't answer that.

2 Q. Did you employ them as your attorneys at
3 any point?

4 A. Yes.

5 Q. Okay. That's good enough. When you --
6 now I'm going to ask you specifically about some
7 things that were said in here. If you don't
8 recall saying these things or if it's -- we're
9 going to just ask you to expound more on it. Your
10 name -- if you look at it, you see the "I" is
11 used, "I" is used on several occasions. So
12 does -- for example, let's look under paragraphs 1
13 and 2. Do you see the second sentence?

14 A. Yes.

15 Q. "I did not have a written employment
16 contract, only verbal."

17 A. Yes.

18 Q. Does that refer to you?

19 A. Yes.

20 Q. Okay. So it doesn't refer to Robert
21 Pecchio or Richard Celler?

22 A. No.

23 Q. Okay. Got it. So at any point -- we're
24 going to go through this, and at any point if
25 there's anything in here that you don't recall

1 saying or that's inaccurate, you'll let me know,
2 right?

3 A. Yes.

4 Q. Okay. Thank you.

5 So right now we're looking at -- we're
6 starting on page 22, and there's a statement here
7 towards the middle of the paragraph under the
8 paragraph, some background. "I had left Florida
9 Specialties when Ken approached me to take part of
10 his production and market it for Ken Corbett Farms
11 with the caveat that I teach his future son-in-law
12 Eric Bolesta the business." Is that accurate?

13 A. Yes.

14 Q. Okay. So tell us more about that. Was
15 that caveat communicated to you by Mr. Corbett?

16 A. When you say "communicated" --

17 Q. Did Mr. Corbett tell you, "You can come
18 and work for me but you have to teach my son the
19 business -- my son-in-law the business"?

20 A. That was quite a while ago. I can't be
21 exact with the words, no.

22 Q. Okay. Was your employment with Ken
23 Corbett Farms conditioned on you teaching Eric
24 Bolesta the produce sales business?

25 A. I believe so, yes.

1 Q. Why do you believe that?

2 A. Because Eric didn't know the business.

3 Q. Did someone tell you that he didn't know
4 the business?

5 A. No one had to tell me that. No.

6 Q. How did you know?

7 A. Because Eric had never sold produce
8 before.

9 Q. How did you know that?

10 A. Because I have known Eric for a number
11 of years.

12 Q. Did he tell you that?

13 A. Did he tell me that?

14 Q. Yes.

15 A. No.

16 Q. But you knew because you knew him for a
17 number of years?

18 A. Yes.

19 Q. Okay. But Mr. Corbett didn't tell you
20 that you can only work here if you teach my future
21 son-in-law Eric Bolesta the business?

22 A. If you say it like that, I can't answer
23 that because that conversation -- I don't recall
24 that conversation exactly, no.

25 Q. Okay. Well, why did you -- why do you

1 believe that your employment was conditioned on
2 you teaching Mr. Bolesta the business?

3 A. Because Eric had just graduated from
4 college and he wanted to get in the business, and
5 my understanding or what I believe my
6 understanding was that part of that was to teach
7 him, otherwise, how was he going to learn?

8 Q. Why was that your understanding?

9 A. Why he brought me there?

10 Q. Yes.

11 A. Again, without going back to the
12 conversation, part of my hiring, I can't remember
13 the exact words from Mr. Corbett so all I can say
14 is it was implied.

15 Q. Okay. Fair enough.

16 Okay. When you say here that you were
17 approached by Ken Corbett to take part of his
18 production and market it for Ken Corbett Farms, is
19 that what you were testifying to earlier about
20 certain products? You would -- you yourself would
21 market and sell for Ken Corbett Farms?

22 A. Yes, that we would get part of the
23 production.

24 Q. Okay. And would that be the green --
25 the green bean production?

1 A. No. They didn't grow green beans.

2 Q. Okay. What was that production?

3 A. Bell peppers, eggplant, yellow squash,
4 green squash and whatever other items they were
5 growing at the time.

6 Q. Okay. So at this time when you began to
7 work directly for Ken Corbett Farms, you were not
8 selling any of Florida Specialties products?

9 A. No.

10 Q. Only Ken Corbett's products?

11 A. During his season, yes.

12 Q. Okay. When was his season?

13 A. It was a spring and fall season.

14 Q. Can you tell me those months?

15 A. Spring was basically April, May, June,
16 somewhat into July. Fall could be mostly October,
17 November and then sometimes into December.

18 Q. And during -- when his season was --
19 when he was not in season, so I guess during July
20 to October or January to March, did you sell
21 anyone else's products?

22 A. Yes.

23 Q. And whose products?

24 A. For a couple of years Growers' Finest.
25 And then for some other period of time Windsor

1 Distributing.

2 Q. Were you an employee of theirs during
3 that time period?

4 A. Yes.

5 Q. So you received a W2?

6 A. Yes.

7 Q. Okay. Did your selling of the products
8 of Growers' Finest and Windsor Distributing, did
9 that ever conflict with the seasons that Ken
10 Corbett's products were being sold?

11 A. There was some overlap coming in and out
12 of both, yes.

13 Q. And when you say "overlap," you mean
14 that you sold for both, both products at the same
15 time?

16 A. There could be.

17 Q. Okay. And just as an estimate, when
18 there was overlap, would it be more than a month?

19 A. It could vary.

20 Q. Now, let's go down a little bit further
21 to the last sentence on page 22 where you -- and
22 it will be page 1 at the bottom, but it's page 22
23 at the right.

24 A. Okay.

25 Q. "Florida Specialties would not be happy

1 because they were no longer getting KCFs entire
2 production," go on to the next page, "and would
3 terminate their agreement with KCF." So can you
4 explain that statement for me?

5 A. As previously stated, I assume Florida
6 Specialties at some point made a business decision
7 to terminate the contract with Ken Corbett Farms.

8 Q. And when you say that they were no
9 longer getting KCF's entire production, they were
10 not getting the portion of the production that you
11 were selling for KCF; right?

12 A. Correct.

13 Q. Okay. So at that time when you were
14 hired in the spring of 2011, were you the only
15 salesman for Ken Corbett Farms?

16 A. Eric Bolesta and myself were, but before
17 the season started, we hired another salesperson.

18 Q. Okay. So in the spring of 2011 it was
19 you and Eric who were salesmen?

20 A. That was the original plan, yes.

21 Q. Okay. So the day that you started with
22 Ken Corbett Farms, Eric was an employee, too?

23 A. I assume he was.

24 Q. Okay. And Jed Hunter, when did he --
25 when was he hired, do you know?

1 A. I don't know the exact dates.

2 Q. But it was after you?

3 A. Yes.

4 Q. Do you remember maybe the number of
5 months?

6 A. It wasn't long. I recommended him to
7 Ken.

8 Q. So where was Jed working before?

9 A. L & M.

10 Q. L & M?

11 A. L & M.

12 Q. Okay. And was he a produce salesman as
13 well?

14 A. Yes.

15 MS. WASHINGTON: And just
16 to -- if anybody needs a break at any
17 point, let me know because sometimes
18 I can keep going. So if anybody
19 needs a bathroom break, just let me
20 know.

21 BY MS. WASHINGTON:

22 Q. Okay. So he was at L & M Produce. And
23 how did you know him?

24 A. From the business. We did business
25 together.

1 Q. Did you sell to him before?

2 A. I sold to him and bought from him.

3 Q. Okay. And why did you recommend him?

4 A. Because he was good at his job.

5 Q. Now, you say here, if we go to page 23,
6 Eric Bolesta had no customers when he started to
7 sell at KCF. So what does he -- you mean that he
8 started fresh like a brand new sales job; right?

9 A. Correct.

10 Q. Okay. And you say here that "Jed had a
11 customer base he brought with him as did I which
12 was developed while selling product through
13 Florida Specialties." So when you say "which was
14 developed while selling product through Florida
15 Specialties," you're referring to yourself; right?

16 A. In my previous employment, yes.

17 Q. Okay. So Jed didn't develop those --
18 didn't sell for Florida Specialties?

19 A. He sold for L & M.

20 Q. Okay. And when you say a customer base,
21 to clarify, these are -- is it some -- would it be
22 a customer that you sold to on one occasion or
23 multiple occasions?

24 A. Could be both.

25 Q. Okay. So a customer base would be

1 someone who you sold to at least once?

2 A. Correct.

3 Q. But not potential customers?

4 A. Correct.

5 Q. Okay. You say here on 23, "I gave Eric
6 most of his customers from my client base I
7 brought with me from Florida Specialties." So
8 when you say you gave Eric most of his customers
9 from your client base, can you explain that?

10 A. With Eric not having any contacts
11 basically in the produce business, most new
12 salespeople will just basically get on the phone
13 and start calling people to try to establish
14 business. We had a number of customers from
15 Florida Specialties that I dealt with, business
16 with. So at Collier Foods -- or from Growers'
17 Finest, from Windsor, all of those that I've had
18 contacts with, and when Eric started and Jed
19 started, we talked about the customers and went
20 through the customers and we gave Eric a certain
21 amount of customers to start dealing with.

22 Q. Did you give Jed any of your customers?

23 A. I don't believe so.

24 Q. Did Jed give Eric any of his customers?

25 A. I can't answer that. I don't recall.

1 Q. So you say here that it is very -- on
2 page 23. This is very unusual for a salesperson
3 to give up customers as I did. Can you explain
4 that?

5 A. It's revenue, it's commission. So most
6 salespeople aren't going to give another
7 salespeople an opportunity to make money that they
8 would then not be able to make themselves.

9 Q. And why did you give him your customers?

10 A. Because that's the way we set up the
11 sales company.

12 Q. And explain to me how the sales company
13 is set up.

14 A. The sales company was set up so that all
15 three of us made the same income. So it was to
16 our benefit that everybody was successful.

17 Q. And how did you feel about that?

18 A. I was fine with it.

19 Q. Okay. Let's go down further on page 23.
20 There's a statement here, "I had to have a second
21 job because I was not compensated during the off
22 seasons." So when you say a second job, are you
23 referring to the Growers' Finest and Windsor
24 Distributing?

25 A. Yes.

1 Q. Okay. And when you say you were not
2 compensated during the off season, you didn't
3 receive any -- there was no check, you didn't
4 receive any pay in certain months?

5 A. Only compensation was, we were paid
6 based on what we sold during the season, and after
7 the bills were collected and we were paid at some
8 point. There was no monthly paychecks or weekly
9 paychecks, no.

10 Q. Okay. So was this even -- so you've
11 testified that you were paid a salary plus
12 commission for a certain point in time; right?

13 A. Correct.

14 Q. So was it the same -- did you not
15 receive any compensation when you had a salary?

16 A. When I -- at the beginning, yes, but I
17 don't recall if it was weekly, monthly. I don't
18 recall.

19 Q. Now, when there was a switch to
20 100 percent commission, then that's when you said
21 that you were only paid by what was paid -- by
22 those sales that you made; right?

23 A. By the sales of all three of us, yes.

24 Q. Okay. And do you remember -- was there
25 a regular frequency to those payments that were

1 made when you were on 100 percent commission-based
2 structure?

3 A. No.

4 Q. So you just would randomly get paid
5 whenever?

6 A. Yes.

7 Q. Was it at least once a month?

8 A. I can't answer that. I don't recall.

9 Q. Were there some months when you didn't
10 get anything?

11 A. Yes.

12 Q. Now, your -- those jobs at Growers'
13 Finest and Windsor, they were the same -- it was
14 the same, the produce sales; right?

15 A. Correct.

16 Q. Did you sell to your customer base, the
17 same customer base for these employers?

18 A. Some.

19 Q. Okay. So what were the others?

20 A. The Growers' Finest production was all
21 Mexican production, so the customer base was a
22 little different for that product. Some the same,
23 some different.

24 Q. What about Windsor?

25 A. Windsor was both Mexican and domestic,

1 so it was a combination of both.

2 Q. Now, moving down to paragraph 3, it says
3 here at the first sentence, "At no point were farm
4 losses ever discussed with the sales staff. The
5 only statements we heard were 'We lost money.'"
6 So when you say "farm losses -- at no point were
7 farm losses ever discussed with the sales staff,"
8 what do you mean by that?

9 A. I mean, we didn't have sales meetings
10 where we discussed profit and loss.

11 Q. So when you -- what do you mean by
12 "discussed"? Like what -- and were there ever
13 statements made like something to the effect that
14 we're losing money or we doing -- we're profiting?

15 A. Not that I can recall, no.

16 Q. Now, you -- I'm going to just skip ahead
17 a little bit, but there was a meeting in
18 April 2017 where -- right before you were
19 terminated where you were told that the farm was
20 losing money; right?

21 A. It wasn't a meeting, no.

22 Q. It wasn't a meeting?

23 A. No.

24 Q. What -- what was it? What -- how was
25 that conversation had?

1 A. There was a phone call.

2 Q. Okay. So a meeting is in person?

3 A. If that's what you want to clarify it
4 as.

5 Q. Well, what's your definition of a
6 meeting?

7 A. Meeting would be of the staff.

8 Q. So staff meaning you and the salesman
9 and Mr. Corbett?

10 A. Correct.

11 Q. Okay. So this call that was held in
12 April 2017 where the farm losses were discussed,
13 that was not a meeting because it wasn't in
14 person?

15 A. I don't know if that was discussed with
16 me directly or not.

17 Q. What do you mean you directly?

18 A. Meaning that statement that the farm had
19 losses.

20 Q. Okay. So you don't recall if
21 Mr. Corbett made the statement the farm had losses
22 in that April 2017 phone call?

23 A. I don't -- I can't say yes or no, no.

24 Q. Okay. You say in the next sentence,
25 "The only statements we heard were 'We lost

1 money. ' "

2 A. Okay.

3 Q. So who is "we" first of all?

4 A. I assume that would be the farm.

5 Q. The farm? So you, the salesman,
6 Mr. Corbett? I'm sorry. I misunderstood you.
7 Let me withdraw that question.

8 "We lost money" means the farm lost
9 money?

10 A. That's yes.

11 Q. Okay. So when you say the statements
12 "we heard," were you referring to you and the
13 salesman?

14 A. If it was a phone, it was -- we were
15 never together meaning Eric, Jed and myself for a
16 conversation with Ken. So if something was said,
17 it was said over the phone.

18 Q. So "we lost money," would that not be a
19 discussion of farm losses?

20 A. I don't know if it was between me and
21 one of the other salesmen and they said it to me
22 or if Ken said it to me.

23 Q. So you're testifying that there were --
24 you were -- the statement "we lost money," the
25 farm lost money, was made to you at some point,

1 but you don't remember who said it?

2 A. No. And it was part of I believe the
3 conversation about adding another salesperson.

4 Q. So the statement "we lost money" was
5 made during that conversation in April 2017 and it
6 was made in connection with the discussion about
7 hiring a new salesperson?

8 A. That's what the original discussion was
9 about, yes.

10 Q. Okay. So "we lost money," this phrase,
11 Mr. Corbett never made that statement to you at
12 any other point?

13 A. I don't believe so.

14 Q. Other than that April 2017 phone call?

15 A. I'm not sure if he made it then.

16 Q. And we'll get -- we'll talk about --
17 we'll circle back to that later, more details
18 about that meeting. Actually, let's talk about it
19 right now. That April 2017 phone call, you were
20 not in -- you were not in person during that --
21 you were not physically with Mr. Corbett and the
22 other salesmen during that phone call?

23 A. I don't know if anybody was with
24 Mr. Corbett during that phone call.

25 Q. But you know that you were on the phone.

1 A. With Mr. Corbett.

2 Q. Okay.

3 A. I had a conversation with Mr. Corbett.

4 Q. Well, do you know if anybody else was
5 present?

6 A. No, I do not.

7 Q. And do you remember what was discussed?

8 A. In detail?

9 Q. Yes.

10 A. No.

11 Q. Okay. Do you recall anything about a
12 decrease in pay?

13 A. For the four salesmen.

14 Q. So the four salesmen would have a
15 decrease in pay?

16 A. No. The three salespeople were going to
17 have a decrease in pay to pay for the fourth
18 salesperson.

19 Q. Okay. Hold on a second. At that time
20 during that meeting did you --

21 A. There was no meeting.

22 Q. Excuse me. During that phone call did
23 you discuss your opinion -- did you have an
24 opinion on decreasing your salary?

25 A. I'm sure I did.

1 Q. Did you share it with Mr. Corbett during
2 that phone call?

3 A. I don't recall.

4 Q. Okay. We'll come back to this.

5 MR. VOYLES: Do you mind if we
6 take a quick break?

7 MS. WASHINGTON: No, not at
8 all.

9 (Recessed, 9:25 a.m.)

10 (Reconvened, 9:35 a.m.)

11 BY MS. WASHINGTON:

12 Q. Mr. Stepanovich, are you ready?

13 A. Yes, ma'am.

14 Q. All right. So we're still on page 23.
15 And let's go to that last paragraph, first
16 sentence. If you were to look at the actual cost
17 through the years for each of us, you'd see why
18 the sales performance numbers aren't really true
19 numbers. Can you explain that?

20 A. I'm not sure where Mr. Corbett got his
21 numbers from, so only based on the numbers that --
22 I think you have some rough copies somewhere in
23 this exhibit that we used in the sales office,
24 so ...

25 Q. And when you say you aren't sure where

1 he got the numbers from, does -- I mean, were they
2 not -- where are the numbers -- where do you store
3 these numbers for use, for your later use? Like,
4 how is that -- how does that whole data entry
5 process work?

6 MR. STORCH: I'm going to
7 object to the form. Maybe if he can
8 answer it -- ask the question, just
9 kind of --

10 MS. WASHINGTON: I'll ask him
11 again.

12 BY MS. WASHINGTON:

13 Q. Did you enter -- whenever you made
14 sales, did you have to enter the data yourself?

15 A. Yes.

16 Q. And did you enter it into a particular
17 software?

18 A. Yes.

19 Q. And was that?

20 A. It's called Famous.

21 Q. And you personally entered your own
22 sales information?

23 A. My sales orders, yes.

24 Q. And could you -- through Famous were you
25 ever able to determine what your performance was?

1 A. Well, based on --

2 Q. Were you able to determine how many
3 sales you made during the year?

4 A. Yes.

5 Q. Were you able to determine, like, what
6 you sold a particular product for?

7 A. Yes.

8 Q. Okay. So when you say "sales
9 performance numbers," what does that refer to?

10 A. The information that Mr. Corbett
11 submitted in a piece of -- one of the items that
12 he submitted that I read.

13 Q. Okay. The items -- the information --
14 the document that he submitted to -- in connection
15 with your EEOC charge?

16 A. Connected within this framework, yes. I
17 don't know specifically what it was in reference
18 to.

19 Q. Okay. Did you read -- that document
20 that Mr. Corbett submitted, did you read -- there
21 was a letter that he wrote. Did you read that?

22 A. Yes.

23 Q. Okay. And I'll -- I don't have this
24 here. I'll show you a little bit later and ask if
25 you recognize that document. So sales performance

1 numbers refer to the numbers that Mr. Corbett
2 discussed in his correspondence that you read?

3 A. Correct.

4 Q. Okay. If we turn to page 24, the
5 third -- the second sentence, "I was tired of
6 making the two of them money and now it was their
7 turn to pay me. The idea was at some point we
8 would all carry somewhat of an equal load." Tell
9 me what you meant by that.

10 A. It was just in reference to -- back to
11 our original statement that we were all paid the
12 same so at some point everybody would carry an
13 equal load.

14 Q. So did you feel that you were making
15 Mr. Bolesta and Mr. Hunter money, that you were
16 the one responsible for the money that they made?

17 A. I was responsible for more percentage of
18 the sales earlier in the years, yes.

19 Q. And when you say "earlier in the years,"
20 is there a date range that you're referring to?

21 A. Not anything specific, no.

22 Q. But you agree that your sales
23 performance decreased towards the end of your
24 employment with Ken Corbett Farms?

25 A. No, not at all.

1 Q. So what does it mean when you say that
2 you were responsible for more of the sales towards
3 the beginning?

4 A. Well, think of it in terms of if we were
5 all getting paid the same, that in theory we all
6 should sell one-third of the product. That would
7 be the balance.

8 Q. Okay. So were you -- you're saying that
9 you were selling one -- more than one-third of the
10 product the earlier years?

11 A. For most of the years, yes.

12 Q. Most of the years?

13 A. Yes.

14 Q. So could you quantify that for me?

15 A. I would say -- I don't have the exact
16 numbers in front of me, so I would only guess that
17 almost through the whole period that I was selling
18 most of the -- the highest percentage of the
19 product, yes.

20 Q. And when you say highest percentage, do
21 you have a percentage for me?

22 A. I mean, you have some rough documents in
23 the pamphlet. You can refer to those, I guess.

24 Q. The ones that you submitted?

25 A. Correct.

1 Q. Okay. We'll talk about that. Those
2 exhibits, right?

3 A. Yes.

4 Q. So at any point during your employment
5 with Ken Corbett Farms were Mr. Hunter and
6 Mr. Bolesta carrying an equal load?

7 A. Yes.

8 Q. And when was that?

9 A. I can't give you exact dates.

10 Q. But at some point they were?

11 A. Yes.

12 Q. Okay. And at any point during your
13 employment with Ken Corbett Farms, were you
14 carrying less of an equal load to them?

15 A. Yes.

16 Q. And when was that?

17 A. I can't give you exact dates.

18 Q. Okay. Was it towards the end of your
19 employment?

20 A. I can't answer that.

21 Q. So was it your perception of your
22 employment at Ken Corbett Farms that you would
23 work harder in the beginning and that you could
24 work less towards -- at some point?

25 A. Not at all.

1 Q. But that -- but if the two other
2 salesmen would carry an equal load at some point,
3 that means that you would carry less of a load,
4 right?

5 A. Not necessarily, no.

6 Q. Okay. Explain that to me.

7 A. Our production was going up. There was
8 more packages.

9 Q. Well, would that impact the percentage?

10 A. I'm sure it would.

11 Q. How is that?

12 A. Math.

13 Q. So because the numbers go up, that the
14 actual number that you sell a product that you
15 could sell goes up, then your percentage would go
16 up, as well? The percentage that you sold of the
17 total amount? I just -- I just want you to
18 explain the math. You said math.

19 A. Well, explain the question to me again.

20 Q. So how could an increase in produce, how
21 would that affect the percentage that you sold?

22 A. I said --

23 Q. It's only --

24 A. I said it could.

25 Q. Okay. And how is that?

1 A. The business isn't like something is
2 manufactured. So based on what product the farm
3 produces, all customers take different parts of
4 that production.

5 Q. Okay.

6 A. So if there was example A would have
7 more of that, it may not be something my customer
8 base uses. It may have been something Eric or
9 Jed's customer base used more of, so it was an
10 opportunity for them to sell more of that because
11 the farm produced more of that.

12 Q. Okay. Well, can you give me an example
13 of that occurring? Like if there were something
14 that more of your customers would buy as opposed
15 to Jed's or Eric's?

16 A. Nothing specific, no.

17 Q. Okay. So there were -- your client base
18 sometimes would have a -- they would want to
19 purchase things that were not as plentiful?

20 A. Or could be a different grade of
21 product.

22 Q. Okay. And I think you talked about that
23 a little bit later in this letter, so we'll talk
24 about that in more detail. So, for example, the
25 next statement I wanted to ask you about is here.

1 Well, you say here, "Quality dictated what
2 customer certain product would go to." Is that
3 what you were referring to?

4 A. Yes.

5 Q. "A retailer would get only the best
6 quality and then we'd have lower-end customers to
7 move product that was lower grade." So tell me
8 what that means.

9 A. It basically means that if you go to the
10 grocery store, the grocery stores usually get the
11 top -- the best product that the farm produces.

12 Q. Okay.

13 A. And then there are other grades of
14 product that the grocery store won't sell because
15 it doesn't meet their standards, so that goes to
16 other types of customers.

17 Q. And what are those other types of
18 customers?

19 A. It could be choice pepper goes to a chop
20 house who cuts the pepper for pizza or cuts it for
21 other items that's added ingredient-wise.

22 Q. Okay. Any other examples? Okay. So a
23 chop house would be an example of a customer that
24 would pay for a lower grade product?

25 A. Correct.

1 Q. And retailers get the highest grade
2 product?

3 A. Generally, yes.

4 Q. Okay. So your particular customers, did
5 they consist of the retailers?

6 A. We had a little bit of all customer
7 base, yes.

8 Q. Okay. One second. And here on page 26,
9 a couple of pages down. Two paragraphs. The
10 second full paragraph up from the bottom starts,
11 "Produce customers are needing."

12 A. Uh-huh.

13 Q. You've got retail who takes top grade
14 product here. Is that consistent with what you
15 just told me?

16 A. Okay.

17 Q. You have wholesalers who take high to
18 mid-range product. So are these chop houses?

19 A. No.

20 Q. These wholesalers. Okay. What are
21 wholesalers?

22 A. Wholesalers bring in a full line of
23 product and sell it to things like restaurants or
24 chain stores or whoever their client base is.

25 Q. So they would take -- so they would take

1 high to the middle range product; right?

2 A. They could take the whole line, yes.

3 Q. Do they ever take low-end product?

4 A. Yes.

5 Q. Okay. And cheaper clients who only use
6 the low-end product, does that refer to chop
7 houses?

8 A. It could be a chop house, yes.

9 Q. Okay. And your client base ranged from
10 retailers to wholesalers to chop houses?

11 A. We all did, yes.

12 Q. Everybody did?

13 A. Pretty much, yes.

14 Q. And by everybody, you mean Eric and Jed?

15 A. And Jed and myself, yes.

16 Q. Okay. Did Eric tend to have more of
17 a -- clients who wanted the high-end product?

18 A. His bigger customers, yes.

19 Q. His bigger customers?

20 A. Yes.

21 Q. But he had all three types of customers?

22 A. Yes.

23 Q. And what about Jed, did he -- were most
24 of his clients high -- products who -- clients who
25 wanted top-grade product?

1 A. We all had a combination of them so,
2 yes.

3 Q. Was there any one of you in particular
4 that had more clients that demanded top-grade
5 product?

6 A. Eric had more retail, so I would
7 probably say Eric.

8 Q. Now, this price-per-package measurement,
9 does that -- do the clients who demand top-grade
10 product, do they tend to pay a higher price per
11 package?

12 A. That product generally is priced higher,
13 correct.

14 Q. Okay. Let's move back to page 24.
15 It's -- there's a subheading paragraph 4 here.
16 Kind of the beginning of the second paragraph, it
17 starts off, "The entire time frame." So the first
18 sentence -- well, the second sentence says, "None
19 of these items were ever brought to my attention."
20 The things that were listed in Mr. Corbett's
21 position statement. So when you're saying none of
22 these items that were ever brought to your
23 attention, what are you referring to?

24 A. The statements he made in that -- in his
25 statement.

1 Q. About your production?

2 A. Yes.

3 Q. Or your performance?

4 A. (No audible response.)

5 Q. "On Monday before I was let go, Ken
6 informed" -- and this is from the same page. "On
7 Monday before I was let go, Ken informed Eric,
8 Jed, and me, that he was bringing on a new
9 salesperson." So this is going back to the
10 conversation that -- or the phone call in April of
11 2017 that we were discussing earlier. We briefly
12 discussed that, but you say here that he informed
13 you that he was bringing on a new salesperson.
14 What did he say specifically? Do you remember?

15 A. Not anything specific, no.

16 Q. Okay. But you do remember that your
17 salary was going to be cut and that there would be
18 a new salesperson brought in?

19 A. That's correct. It wasn't a salary. He
20 was taking part of our commission structure away.

21 Q. Okay. He was taking part of your
22 commission, decreasing your commission to
23 accommodate bringing on a new salesperson?

24 A. Correct.

25 Q. And you said that you don't recall --

1 you testified earlier that you don't recall if you
2 had voiced your opinion on that to Mr. Corbett at
3 the time?

4 A. Generally, it didn't matter what he
5 said. His mind was made up he was going to do
6 what he was going to do, so ...

7 Q. You said generally it didn't matter what
8 you would say because Mr. Corbett's mind would be
9 made up?

10 A. That was my experience from when I --
11 previous discussions with him about -- like items
12 like this, like when he took my salary away years
13 before that, yes.

14 Q. Well, tell me about that conversation.

15 A. I don't know. About what?

16 Q. Did you -- when -- so there was a
17 conversation that he had with you about
18 discontinuing your salary and making you
19 100 percent commission?

20 A. That was years before this event, yes.

21 Q. But you don't remember the details of
22 that conversation?

23 A. It wasn't a very long one.

24 Q. Do you remember any details about it?

25 A. I just remember driving from Florida to

1 Georgia to discuss it with him. He was in the
2 field on a tractor and it wasn't a very long
3 discussion.

4 Q. But you don't recall the details of it?

5 A. Not exactly, no.

6 Q. Okay. Do you recall if you told him
7 that you disagreed with it?

8 A. I would assume I would have.

9 Q. Were there any other conversations that
10 you had with Mr. Corbett through the course of
11 your employment other than this conversation about
12 the discontinuing your salary about your
13 compensation?

14 A. No.

15 Q. So when you testified earlier that his
16 mind was made up and it -- and it -- his mind was
17 already made up about something and that you've
18 experienced it on other occasions, when were those
19 other occasions?

20 A. I can't give you exact.

21 Q. But there were other occasions?

22 A. I'm sure if I formed that opinion I
23 would guess there was other occasions, yes.

24 Q. But you don't remember?

25 A. Recall them, no.

1 Q. None of these would have had --
2 conversations would have happened by email, would
3 they have?

4 A. I have no -- I doubt it.

5 Q. What about text messages?

6 A. I don't believe he's ever texted me.

7 Q. Okay. All right. So next there's a --
8 the next sentence says, "He also said that due to
9 the losses KCF had, the three of us would pay for
10 the new salesperson by taking a fourth percentage
11 or a quarter percentage from each sales staff
12 members' compensation. The following day,
13 Tuesday, I sent an email to Ken." So tell me
14 about -- at some point you -- the call ended,
15 right? That call in April of 2017.

16 A. Okay. Yes.

17 Q. And what happened next between the time
18 you sent the email to Ken and after you got off
19 that phone call?

20 A. I would assume I tried speaking with
21 both Jed and Eric about it. I don't think I had a
22 conversation with Eric. I can't recall
23 specifically.

24 Q. So you tried to speak with Jed and Eric?

25 A. I'm sure I did.

1 Q. Did you actually speak with Jed?

2 A. I believe I did.

3 Q. Do you recall Jed voicing -- making
4 any -- having any response to Mr. Corbett's
5 conversa -- about his statement about cutting your
6 compensation? Excuse me. Your commission? And
7 I'll repeat that. Do you recall Jed saying
8 anything in response to Mr. Corbett's statement
9 about cutting the salesmen's commissions?

10 A. No, I don't recall.

11 Q. What about Eric?

12 A. I don't recall.

13 Q. And did you actually speak with Jed
14 after this phone call?

15 A. I don't know if it was that day or not
16 or it was days following.

17 Q. And when did you send the email to
18 Mr. Corbett?

19 A. I believe it was on Tuesday.

20 Q. And that was the day after the phone
21 call?

22 A. Correct.

23 Q. Can you look at page 20 of the
24 Defendant's Exhibit 2?

25 A. So --

1 Q. So that would be this one here. Yeah,
2 this page 20.

3 A. So we're going backwards?

4 Q. Yes. Backwards.

5 A. Okay.

6 Q. Okay? And is that the -- on page 20
7 through page 21 -- no, just page 20 to 21, is that
8 the email that you're referring to that you sent
9 to Ken Corbett on Tuesday?

10 (Defendant's Exhibit No. 2 was marked
11 for identification.)

12 A. Yes.

13 Q. All right. Let's look at the first
14 paragraph, towards the middle second sentence.
15 "I'm not trying to be confrontational. Just a lot
16 was thrown out there yesterday, so trying to get a
17 grasp on how this will move forward." So when you
18 say "a lot was thrown out there yesterday," what
19 are you referring to?

20 A. The change in compensation.

21 Q. Okay. And here next you say, "Based on
22 what you said, this change is due to the fact that
23 the farm is losing money."

24 A. Okay.

25 Q. So is that what Mr. Corbett said, the

1 farm is losing money, so I'm going to cut your
2 commissions?

3 A. I'm assuming that came from him at some
4 point during that phone conversation.

5 Q. Okay. Let's go down to the very last
6 paragraph on page 20.

7 A. Okay.

8 Q. "Since we're going to lose 20 percent of
9 our pay, that maybe now we can get paid once money
10 is collected and not whenever." So what does that
11 mean?

12 A. It's just when -- per our earlier
13 conversations, we just got paid whenever they
14 decided to pay us. There was no rhyme or reason
15 for how they gave us our checks.

16 Q. When you say "they," who are you
17 referring to? How they paid us?

18 A. I would assume Ken or Kim Carter. Kim
19 usually paid us.

20 Q. Okay. So were you asking that you -- if
21 you could get paychecks at a certain point as
22 opposed to random times?

23 A. Yes.

24 Q. And you asked that since you were losing
25 25 percent of your pay, maybe there could be a

1 certain -- a different date of pay -- dates that
2 you get back paid?

3 A. I guess, yes.

4 Q. All right. One second. Okay. And
5 let's look at page 21, the very last paragraph.
6 "Also from a logistics perspective if we have four
7 salespeople, that KCF will need to do something
8 about the phone system since it only has four
9 lines." So what was the -- what was your purpose
10 for making this statement to Mr. Corbett?

11 A. Just that it wasn't functional. We were
12 already out of line capacity with the three of us
13 on the phone, so customers calling in were getting
14 busy signals, so if they were going to add another
15 salesperson, we needed to make some changes to
16 make it more efficient.

17 Q. Okay.

18 A. And the same thing for the computer
19 usage.

20 Q. And I just want to skip back a little
21 bit to page 20. One, two, three, four. The
22 fourth full paragraph, second sentence, "Or are
23 the three of us going to subsidize a new person
24 for the next year or two as they learn the
25 business?" What did you mean by that?

1 A. Meaning, we didn't have -- I didn't know
2 who he was talking to or who he was going to bring
3 in. So were they going to bring in new business
4 with them or were they going to be somebody new
5 who didn't have any business.

6 Q. And how would that have impacted you?

7 A. Because basically we, meaning the other
8 three salespersons, would be the ones making the
9 money and he would be getting the benefit of that.

10 Q. All right. Let's go back to page 24.
11 So what happened after you sent the email to
12 Mr. Corbett?

13 A. You would have to ask him that.

14 Q. Well, what happened on your end? What
15 happened from your personal knowledge after you
16 sent the email? Did anything happen between you
17 and Mr. Corbett?

18 A. The next day he called and terminated my
19 employment.

20 Q. And this was done by telephone?

21 A. Yes.

22 Q. And he called you?

23 A. I believe so.

24 Q. Tell me about that conversation.

25 A. What would you like to know?

1 Q. Tell me what you said and what
2 Mr. Corbett said.

3 A. That was a long time ago. I can't say
4 what he said or what I said specifically. I don't
5 remember.

6 Q. So you just recall that you -- he fired
7 you, but not exactly what he said?

8 A. No. I mean, I'm sure he made reference
9 to -- I think I had put in here somewhere it was
10 his decision and other than that, not really.
11 There was no reason. I'm sure I asked him for
12 what purpose or what reason was I fired. He never
13 gave me one.

14 Q. Okay. Let's go to page 24 at the very
15 bottom, last paragraph. It says, "Wednesday
16 morning Ken called and fired me, no cause on his
17 part. It was his decision and no one else's." So
18 does that sound like an accurate representation of
19 what Mr. Corbett said during that call?

20 A. I'm assuming so.

21 Q. And what does no cause on his part mean?

22 A. Meaning he didn't tell me for any
23 reason.

24 Q. So he told you it's no reason?

25 A. I don't think he told me anything. He

1 just said I was being fired.

2 Q. And did he tell you it's his decision
3 and nobody else's?

4 A. Yes.

5 Q. So was that in response to you asking --
6 did you ask him whose decision was it?

7 A. No. I'm sure I asked him why.

8 Q. You didn't ask him if it was his
9 decision?

10 A. He's the owner. I would assume it's his
11 decision.

12 Q. Can you look back at page 22 of the
13 document. It's at the very top. What's the date
14 on this document?

15 A. June 7th, 2018.

16 Q. Okay. So would your recollection of
17 that conversation you had with Mr. Corbett have
18 been more accurate at that time than it is now?

19 A. It was fresher.

20 Q. Okay. Now, why would you include it was
21 his decision and no one else's in this statement?
22 If you said that you assume that Mr. Corbett is
23 the owner and he would have made a decision by
24 itself, why would that be here?

25 A. Because he specifically said it to me.

1 I remember that.

2 Q. Oh, okay. But you don't recall how --
3 what that statement was made in response to, like
4 what was your question?

5 A. No.

6 Q. Okay. Let's look at -- skip forward to
7 page 28. And if you look, there's a heading
8 Exhibit E and let's go into the second full
9 paragraph. "I asked him on the phone the day he
10 fired me for a reason. He said he didn't have a
11 reason. He just was and that it was his decision
12 and his alone." Is that accurate?

13 A. I'm assuming so, yes.

14 Q. Okay. So did he tell you that -- so
15 you're saying that he didn't have cause, but here
16 you say that he told you that he didn't have a
17 reason. So are cause and the reason, is that the
18 same thing? Cause for firing you and the reason
19 for firing you, is that the same thing?

20 A. No.

21 Q. Okay. Well, what's the difference?

22 A. I don't know what the legal difference
23 is.

24 Q. What's the difference, in your words?

25 A. Cause and reason? Cause would be did I

1 ever get written up for anything, was I ever
2 reprimanded for anything, was there ever
3 anything -- well, we didn't have any policies, so
4 there was nothing ever -- so, no, he never gave me
5 cause or concern that I would be fired.

6 Q. Okay. And a reason means what to you,
7 or reason?

8 A. A reason meaning why did he do it.

9 Q. Okay. Got it. So when you refer to
10 cause, you mean -- you're referring to any
11 disciplinary action that was taken against you for
12 your firing?

13 A. Yes.

14 Q. Okay. Got it. All right. I'm handing
15 you now what I'm marking as Exhibit 3, Defendant's
16 Exhibit 3.

17 MS. WASHINGTON: And, Noah,
18 this is the complaint in this case.

19 MR. STORCH: Got it.

20 MS. WASHINGTON: You got it?

21 MR. STORCH: Yeah.

22 BY MS. WASHINGTON:

23 Q. Okay. And, Mr. Stepanovich, if you can
24 just take a look at it and let me know if you
25 recognize it.

1 (Defendant's Exhibit No. 3 was marked
2 for identification.)

3 A. I recognize it, yes.

4 Q. Thank you. What is it?

5 A. It is a complaint and demand for jury
6 trial.

7 Q. And is that in this case that we're here
8 for today?

9 A. Yes.

10 Q. Okay. Now, take a look at paragraph 15.
11 It should be on page 3 and it's at the bottom.

12 A. Okay.

13 Q. So were you -- here it states,
14 "Plaintiff was told he was terminated for economic
15 reasons." So that's different than what you say
16 in this letter here; right? It was for no reason?
17 When I say "the letter," I mean the letter that we
18 were just reading from Exhibit 2 on page 24.

19 A. Okay.

20 Q. Okay. But that's different than what it
21 says here; right?

22 A. According to this paper, yes.

23 Q. Okay. So explain to me why there's a
24 difference in what's here in the complaint and
25 here in your letter.

1 MR. STORCH: I was going to
2 object. Obviously, the
3 interrogatories are sworn-to answers
4 by Mr. Stepanovich and the complaint
5 is not, but he can answer.

6 MS. WASHINGTON: This -- we're
7 not talking about interrogatories
8 right now. This is the document
9 production.

10 MR. STORCH: Well, you're
11 asking him about a difference between
12 something that he specifically
13 drafted and (inaudible) filed. So
14 you can certainly ask him and he'll
15 be happy to tell you, you know, what
16 he wrote is a hundred percent
17 accurate.

18 BY MS. WASHINGTON:

19 Q. So in paragraph 15, Mr. Stepanovich,
20 this -- it says Plaintiff was told he was
21 terminated for economic reasons; right?

22 A. Okay.

23 Q. So were you terminated for economic
24 reasons?

25 A. No.

1 Q. So where does this come from?

2 A. I don't know.

3 Q. Okay. Thank you.

4 So let's go to page -- you can put this
5 complaint to the side.

6 A. Okay.

7 Q. Let's go back to Exhibit 2, your letter.
8 And I know we have lots of papers here, so let me
9 know if I'm ever unclear.

10 A. Where are you?

11 Q. On page 28 at the top.

12 A. Okay.

13 Q. Okay. So let's go to -- if you see the
14 subheading Exhibit E?

15 A. Okay.

16 Q. Here in the third paragraph, second
17 sentence, "I still feel to this day it was because
18 of my cancer; otherwise, why did he wait until he
19 found out about it?" So what does this part mean,
20 "Why did he wait until he found out about it?"
21 What is -- what "wait" are you referring to?

22 A. I'm assuming when I wrote this, if there
23 was, quote, unquote, all of these issues that
24 Mr. Corbett had with my performance and nothing
25 was ever said or done prior to this, obviously in

1 my mind they weren't an issue. So the only issue
2 was I had told him I had the cancer and he fired
3 me.

4 Q. You told him that you had the cancer?

5 A. I'm sure at some point. I would -- I
6 can't give you an exact date when I told him, no.

7 Q. Okay. Do -- was there mention of -- in
8 this complaint -- and I'll have you take a look at
9 it again, Exhibit 3 here.

10 A. Okay.

11 Q. Does this say anything in your complaint
12 about you telling Mr. Corbett directly that you
13 had cancer?

14 A. I can't -- I don't know.

15 Q. Can you look at it? You can't?

16 A. I can look at it. Do you want me to
17 read through the whole thing?

18 Q. Yes, I do. You can scan through it if
19 you want to but, yes, please.

20 A. It makes reference to management. Not
21 just Ken, specifically. On page 3.

22 Q. Okay. Is there a paragraph number? Do
23 you see a paragraph number?

24 A. Number 13.

25 Q. Anywhere else? Do you see any other?

1 A. No.

2 Q. No reference to you telling Mr. Corbett,
3 specifically?

4 A. No.

5 Q. Okay. Now, let's look at -- on page 6
6 of that same document, not the complaint, the
7 Exhibit 2. So just turn to page 6 at the top. It
8 should be your EEOC charge.

9 A. Okay.

10 Q. Now, do you mention anywhere in your
11 EEOC charge that you disclosed your cancer to
12 Mr. Corbett?

13 A. Yes.

14 Q. Okay. Where is that? Can you read it
15 for me?

16 A. "On March 10th Mr. Stepanovich disclosed
17 a serious medical his condition necessitating
18 surgery to KCF management; nothing specific to
19 Mr. Corbett."

20 Q. Okay. And what about -- do you see that
21 footnote at the bottom of the page starting on
22 March 10th, 2017?

23 A. Okay.

24 Q. What does it -- can you read that?

25 A. "On March 10th, 2017, Mr. Stepanovich

1 informed Eric Bolesta and Jed Hunter he had
2 prostate cancer and expected surgery scheduled for
3 July 20th, 2017."

4 Q. Okay. So it looks here like you state
5 you allege that you informed Eric Bolesta and Jed
6 Hunter of your prostate cancer but not Ken
7 Corbett; right?

8 A. According to this.

9 Q. Okay. So management, who were you
10 referring to when you stated that you disclosed it
11 to management in your complaint?

12 A. Ken Corbett.

13 Q. So you are testifying here that you did
14 tell Ken Corbett?

15 A. No. When you asked management, that's
16 the only management.

17 Q. Oh, okay. But what you're -- so what
18 you're saying in your complaint is not accurate?
19 In your complaint -- if you define management as
20 Ken Corbett, but you didn't have a conversation
21 with Ken Corbett, then your complaint is not
22 accurate; right?

23 A. No.

24 MR. STORCH: Objection, form.

25

1 BY MS. WASHINGTON:

2 Q. Okay. So when did you -- so you told
3 Eric Bolesta and Jed Hunter about your prostate
4 cancer on March 10th, 2017?

5 A. Okay.

6 Q. And do you remember if this was in
7 person?

8 A. Without looking at the calendar -- if I
9 could go back to my personal calendar, I could
10 probably tell you if it was in person or not.

11 Q. Can you do that? Not right now, but
12 after this deposition is over.

13 A. Okay.

14 Q. Subject to your attorney's advice, of
15 course. Did you -- and you told them that your
16 surgery was scheduled for July 20th, 2017?

17 A. Yes.

18 Q. Okay. And July 20th, 2017, would have
19 been outside of the growing season; right?

20 A. Correct.

21 Q. Did you notify Jed or Eric -- did you
22 notify Jed that you would have to take time off
23 from work to have your surgery?

24 A. I don't recall.

25 Q. Did you tell Eric this?

1 A. I don't recall.

2 Q. Did you tell anyone else at Ken Corbett
3 that you needed time off from work for your
4 surgery?

5 A. I don't recall.

6 Q. Did you ever request time off from work
7 before from working with Ken Corbett for medical
8 reasons?

9 A. No.

10 Q. So if you were -- I mean, how was your
11 work environment? Like if you needed to take a --
12 if you needed to go to a doctor's appointment
13 during the time where you would be making calls to
14 sell product, is there a process that you went
15 through to do that?

16 A. No.

17 Q. So you just went to your appointment if
18 you needed to?

19 A. I didn't have appointments I don't
20 believe, so ...

21 Q. Well, you visited a doctor in connection
22 with your diagnosis; right?

23 A. Not when I was at Ken's, no.

24 Q. Not when you were at Ken's?

25 A. No.

1 Q. What does that mean?

2 A. Not when I was in Georgia, no.

3 Q. Okay. Did you work from an office -- an
4 office in Georgia?

5 A. Yes.

6 Q. And sometimes did you work from Florida?

7 A. Yes.

8 Q. And this was primarily telephone
9 contacts with customers; right?

10 A. Yes.

11 Q. Okay. So you could have done it from
12 Florida?

13 A. I could have, yes.

14 Q. But you were in Georgia most of the
15 time?

16 A. Yes.

17 Q. Okay. Now, you -- let's switch back to
18 page -- we're still in Exhibit 2 with the numbers
19 at the top. One second.

20 Okay. Now, you say here in your letter
21 that you set up your entire treatment program
22 based on your job with Ken Corbett Farms. Tell me
23 about that. Your whole treatment program, what is
24 that?

25 A. Meaning my surgery and recovery time.

1 Q. So you set up your surgery and recovery
2 time, which would have been outside of growing
3 season based on your job with Ken Corbett Farms?

4 A. Correct.

5 Q. Okay. Now, we might be skipping ahead a
6 little bit, but when were you diagnosed with
7 prostate cancer?

8 A. The official?

9 Q. Yes.

10 A. Or the process?

11 Q. Well, tell me about both.

12 A. The diagnosis was a number of tests, so
13 I usually go in for my yearly physical in
14 September before I go to Georgia. So it was some
15 negative tests that came back, ran two more tests
16 after I came back from Georgia, and the diagnosis
17 was confirmed sometime in February or March. I'm
18 not exactly sure what the date was.

19 Q. Okay. So when you say September, you
20 mean September of 2016?

21 A. Yes.

22 Q. Okay. And the diagnosis was -- there
23 were some tests that were run in between that time
24 in February of 2017?

25 A. Correct.

1 Q. And the diagnosis was confirmed in
2 February or March of 2017?

3 A. Yes.

4 Q. Okay. And this was all when you were in
5 Florida?

6 A. The testing, yes.

7 Q. So your doctors are in Florida?

8 A. Correct.

9 Q. Okay. Now, when you received that
10 diagnosis, was there a recommendation from the
11 doctor on when you should have the surgery done?

12 A. Yes.

13 Q. And what did the doctor recommend?

14 A. He recommended that I do it in May.

15 Q. Of 2017?

16 A. Correct.

17 Q. And you didn't follow that
18 recommendation; right?

19 A. Correct.

20 Q. And why is that?

21 A. Because I had a job that I needed to --
22 I needed to work.

23 Q. And you say here that your guess is that
24 Mr. Corbett said this to you because "not even a
25 week before his son Justin told me not to worry

1 about my illness and if I needed time, my chair
2 would be there." So tell us about that
3 conversation you had with Justin that you're
4 referring to here.

5 A. It was always kind of an ongoing -- I
6 don't want to say joke, but banter that we knew we
7 had our jobs when we came back and our chairs were
8 at our desk.

9 Q. So Justin knew that you were -- when you
10 were employed with Ken Corbett Farms, you told him
11 at some point that you had prostate cancer?

12 A. I'm assuming I did, yes. Or Eric told
13 him or --

14 Q. Okay. But you had a -- Justin told you
15 that, don't -- don't worry about your illness and
16 if you needed time, your chair would be there?

17 A. I don't remember if he told me that
18 specifically or if he told Eric that. I can't
19 remember, specifically.

20 Q. Okay. All right. Let's go back just a
21 little bit to talk about the cancer. And this
22 is -- prostate cancer is the disability that
23 you're -- that is the subject of this lawsuit;
24 right?

25 A. Yes.

1 Q. Okay. And the diagnosis was in about
2 February or March of 2017?

3 A. Correct.

4 Q. And you testified earlier that there was
5 a physical in September 2016; right?

6 A. Correct.

7 Q. And this was a normal physical that you
8 have every year?

9 A. Yes.

10 Q. And that there were some tests that came
11 back that indicated that you needed to have
12 further tests done for prostate cancer?

13 A. Correct.

14 Q. Okay. Is this the first test that --
15 set of tests that came out this way for you
16 before?

17 A. It was the first negative, yes.

18 Q. And it was negative for what? What does
19 that mean?

20 A. The PSA.

21 Q. PSA?

22 A. My PSA was high.

23 Q. And this was first time that that
24 happened in your medical history?

25 A. Yes.

1 Q. Now, was there any -- I mean, did you
2 feel differently physically before you were
3 diagnosed with prostate cancer?

4 A. No.

5 Q. Were there any symptoms that you had
6 been experiencing prior to your diagnosis of
7 prostate cancer?

8 A. No.

9 Q. What about after your diagnosis?

10 A. No.

11 Q. Nothing physically different?

12 A. No.

13 Q. So it didn't affect your ability to do
14 your job at Ken Corbett Farms?

15 A. No.

16 Q. Now, since you were diagnosed, I know
17 you mentioned earlier that you had surgery. When
18 was that surgery?

19 A. I had moved it once I was fired. I
20 moved it up per my doctor's wishes, and my wife's.

21 Q. So what did you originally schedule the
22 date? What was the original date?

23 A. You have the date in the document. What
24 was it? July whatever, 20th or whatever that date
25 was.

1 Q. Let me pull that up, actually.

2 MS. WASHINGTON: I'm marking
3 this as -- are we on 4? Defendant's
4 Exhibit 4. And, Noah, this is the
5 plaintiff's responses to our
6 interrogatories.

7 BY MS. WASHINGTON:

8 Q. Take a look at those and let me know
9 when you're done.

10 Do you recognize that document that
11 we're calling Plaintiff's Response to Defendant's
12 Interrogatories?

13 (Defendant's Exhibit No. 4 was marked
14 for identification.)

15 A. Yes.

16 Q. Okay. And are these your responses to
17 the defendant's interrogatories?

18 A. As I recall, yes.

19 Q. Okay. Now, let's look at question -- it
20 will be on page 5. At the bottom you'll see 5,
21 and it's question number 7. And this says,
22 "Identify all physical or psychiatric injuries,
23 conditions or illnesses from which you have
24 suffered since 2011, including identification of
25 the period of injury, condition or illness,

1 treating health care providers, including name and
2 address and telephone number, and any prescription
3 medication for such injury, condition or illness."

4 And in your answer you state at the very
5 end of the response, "Plaintiff underwent surgery
6 for prostate cancer in June of 2017."

7 So you had the surgery in June of 2017.

8 A. Okay.

9 Q. Right? Is that true?

10 A. I would have to look at my calendar to
11 confirm that, but I would assume that's correct.

12 Q. So you said that you pushed up the date
13 after you were terminated?

14 A. Yes.

15 Q. So what was the -- when did you
16 originally schedule it for?

17 A. I'd have to look. July 20th, I believe.

18 Q. And you had it in June?

19 A. Yes.

20 Q. Now, did you have any -- were there any
21 doctor's appointments that you had when you
22 were -- when you underwent the test to determine
23 that you had prostate cancer, did you have any
24 doctor's appointments that you attended?

25 A. When?

1 Q. Before you were diagnosed, when you were
2 actually having the tests done.

3 A. I'm not --

4 Q. Did you -- okay. Did you actually have
5 to visit the doctor's office or any other facility
6 to give samples for the test before you were
7 diagnosed with prostate cancer?

8 A. There was a process once the first test
9 came back negative, yes.

10 Q. And that process was to take tests?

11 A. Correct.

12 Q. Right. And about how many of those were
13 there?

14 A. There was, I believe, two more PSA --
15 one more PSA test, and then it came back high and
16 then I went in for a biopsy which is an invasive
17 procedure where they took biopsies that were then
18 sent to the lab.

19 Q. Okay.

20 A. Took them from -- the cancer was there.

21 Q. So there were -- am I counting three
22 appointments?

23 A. I would have to check my personal
24 calendar. I would say at least three, yes.

25 Q. Before the diagnosis?

1 A. Before it was confirmed, yes.

2 Q. And after your physical?

3 A. Correct.

4 Q. Okay. And did you -- was there any
5 push-back from Mr. Corbett in going to these
6 appointments?

7 A. There wouldn't have been because I
8 wasn't in Georgia at the time.

9 Q. When did you come back to Georgia, what
10 date?

11 A. I could look at my calendar, but
12 generally I'd come up for most of the month of
13 October and November.

14 Q. So you came -- so in 2016, you were in
15 Georgia in October and November. And when did you
16 come back in 2017?

17 A. I did not.

18 Q. Oh, so you didn't come back to Georgia
19 at all in 2017?

20 A. No. He released me before I was -- I
21 was getting ready to come back up. We had started
22 production in squash, so ...

23 Q. Now, what was your recovery time for
24 your surgery?

25 A. A little over six weeks.

1 Q. And was there -- and we'll talk about
2 this in more detail later but was -- when you were
3 terminated from Ken Corbett Farms, what was the
4 first -- well, did you start searching for a job
5 immediately?

6 A. I'm sure I started having conversations
7 with people, yes, letting them know I was
8 available.

9 Q. And when did you start the first job
10 after you left Ken Corbett Farms?

11 A. That was with Windsor Distributing, and
12 I don't know the exact date. I think it was --

13 Q. Go ahead. I'm sorry.

14 A. I just don't remember the exact day,
15 so ...

16 Q. Was it after your recovery from surgery?

17 A. Yes.

18 Q. And you drew Unemployment at some point
19 during 2017; right?

20 A. Right.

21 Q. And was that after your recovery period?

22 A. I would have to look at the dates.

23 Q. I think we -- one second.

24 Take a look at the Exhibit 4, your
25 interrogatory responses, and at the bottom it says

1 page 3.

2 A. Okay.

3 Q. And there's just one response on this
4 page, so let me direct your attention to 2017
5 Unemployment income from 7/24 to 9/28, State of
6 Georgia.

7 A. Okay.

8 Q. So is it accurate to say that you
9 received Unemployment for the period starting
10 July 24 to September 28?

11 A. Yes.

12 Q. Okay. And did you -- you testified
13 earlier that you don't recall exactly when you
14 went back to work for Windsor, but it was after
15 September 28th; right?

16 A. Yeah, I believe it was the first part of
17 October.

18 Q. Okay. I'm going to switch gears again a
19 little bit to talk about the rest of your letter.
20 So let's go back to Exhibit 2, and this is the one
21 with the page numbers in the top right-hand
22 corner, the one we've been talking about the most.
23 Okay. We're going to talk about your exhibits, so
24 we'll keep this one and then also go to -- okay.
25 Let's go to page 13 and it says Exhibit A on the

1 front.

2 Now, Exhibit A and then the page that
3 comes after, Exhibit B, and the page that comes
4 after that, Exhibit C and then Exhibit D on page
5 19, those were all attachments to the letter we
6 were reading earlier; right?

7 A. Yes.

8 Q. And it starts at page 22 of Exhibit B;
9 right? Right?

10 A. Let me get the page righty.

11 Q. 22.

12 MS. WASHINGTON: And if y'all
13 want to, I know, Ken, you said you
14 want to take a break. I'm going to
15 give Mr. Stepanovich some time to
16 look through and familiarize himself
17 with these documents. So if y'all
18 want to -- this is probably a good
19 time to take a break.

20 THE WITNESS: Okay.

21 BY MS. WASHINGTON:

22 Q. But before we go, Mr. Stepanovich, if
23 you could just answer the question I just asked.
24 Are these exhibits, were they attached to the
25 letter that we referenced on page 22?

1 A. I believe so, yes.

2 Q. Okay. If you could -- we'll take a
3 short break and give you some time to look over
4 these exhibits. They start on page 13 and end on
5 page 21 and then we could come back in -- do you
6 need maybe 15, 20 minutes?

7 A. I would rather not. I'd rather
8 continue.

9 MR. VOYLES: Take a 5-minute
10 break?

11 MS. WASHINGTON: Yeah, let's
12 do five minutes, then.

13 (Recessed, 10:43 a.m.)

14 (Reconvened, 10:56 a.m.)

15 BY MS. WASHINGTON:

16 Q. We're back on the record. Thank you.

17 Okay. Mr. Stepanovich, have you taken a
18 look at Exhibits -- the pages 13 to 21 in Exhibit
19 B?

20 A. Yes, ma'am.

21 Q. And did you create these documents?

22 A. Yes. Not all of them.

23 Q. Okay. Which one did you create?

24 A. I did not create Exhibit D, page 19.

25 Q. Do you know who created that one?

1 A. I assume it was either Mr. or
2 Mrs. Corbett.

3 Q. And let's -- I guess we can start with
4 that one. So what is that document?

5 A. That is what we get shown for our yearly
6 compensation.

7 Q. Okay. So that's on page 19. Is that
8 yearly compensation for 2017?

9 A. It looks like '16, '17.

10 Q. Okay. So growing -- here, where it says
11 growing year 2016, but the date is April 26, 2017.
12 Was that the date you received it?

13 A. I'm not sure which date I received it.

14 Q. Do you know what that date April 26th,
15 2017 refers to?

16 A. I assume the date that she did the
17 document or whoever did the document.

18 Q. Do you remember the date you received
19 it?

20 A. No, ma'am, I don't.

21 Q. So this "spring 1 percent of net
22 collected." What does that mean?

23 A. That was the amount owed me for 1
24 percent of the -- that was my sales commission for
25 the spring product.

1 Q. Spring of 2016, right?

2 A. I'm guessing, yes.

3 Q. And what about the spring broker
4 product, 50 percent of net collected, what does
5 that refer to?

6 A. Product we buy outside of what the farm
7 raised. Product we would literally go buy and
8 then resell.

9 Q. Okay. And the product that you buy and
10 resell, do you sell that at a higher amount than
11 what you bought it for?

12 A. Usually 50 cents to a dollar more
13 depending on what we can do.

14 Q. So that's called a brokered product?

15 A. Correct.

16 Q. And how much do you get paid on brokered
17 product?

18 A. We get 50 percent of whatever the profit
19 is.

20 Q. Okay. Fifty percent of the profit. And
21 "fall, 1 percent of net collected," is that from
22 the fall -- your portion of the profit from the
23 fall 2016 season?

24 A. Where -- the fall brokerage?

25 Q. The fall --

1 A. The fall --

2 Q. One percent. Yes.

3 A. One percent, yes.

4 Q. Okay. Tell me -- can you explain what
5 that is, again?

6 A. It's just the commission paid on
7 products sold for that season.

8 Q. And fall brokered product, is that the
9 same as spring brokered product, but for the fall
10 2016?

11 A. Yes.

12 Q. Okay. And the total would be all these
13 numbers added together?

14 A. Correct.

15 Q. So for 2016 salary paid, your salary was
16 \$162,500?

17 A. My commission.

18 Q. Commission. Not salary. But it says
19 salary here, right?

20 A. Correct.

21 Q. But it was commission?

22 A. Correct.

23 Q. In 2017 the \$7,000, what does that refer
24 to?

25 A. I'm guessing that was what was carried

1 over, but we just weren't paid until '17. I can't
2 answer that, specifically.

3 Q. Okay. So you say here -- I'm just
4 looking at page 28 of the Exhibit 2. "We were
5 never given" -- I'm sorry. I'll let you get
6 there. Tell me when you're there.

7 MS. WASHINGTON: Oh, Noah, are
8 you on?

9 MR. STORCH: I've been on.

10 MS. WASHINGTON: Oh, I'm
11 sorry. I should have checked
12 earlier.

13 BY MS. WASHINGTON:

14 Q. Page 28, "We were to accept this and not
15 question anything or she would get very upset."
16 I'm sorry. Withdraw that question.

17 "We were never given any detail or
18 backup as to how or what we were compensated on."
19 So there was no detail besides this statement?

20 A. Correct.

21 Q. But you input your own numbers into
22 Famous, right?

23 A. For most sales companies that I have
24 worked for in produce, at the end of each month or
25 quarter everything you've done, you're given an

1 itemized statement so you can review it and
2 approve it before you're paid on anything. We
3 were never given detailed information on anything.

4 Q. Okay. But you received this -- you
5 received a statement?

6 A. We received this, yes.

7 Q. How often did you receive this?

8 A. I think once a year.

9 Q. Was it normally in April?

10 A. No.

11 Q. Or was that only because you were
12 terminated?

13 A. It's because I was terminated I'm sure.

14 Q. Okay. All right. Let's go back to
15 Exhibit A which would be page 13 of that exhibit,
16 Exhibit 2.

17 Just to clarify for the record, this is
18 page -- this is actually in Defendant's Exhibit 2
19 but it states Exhibit A. That's the title at the
20 top of this page 13. So let's look at Exhibit A
21 on page 13. So you say here in your -- and I'm
22 referring to two different things because it's
23 your comments in your letter that are referring to
24 your exhibits to the letter.

25 So look at page 27. Two things at the

1 same time. Page 27 and then page 13 at the same
2 time. All right. So tell us about Exhibit A.

3 What are we looking at here in Exhibit A?

4 A. Exhibit A was just some yearly totals on
5 dollar amounts.

6 Q. For all three salesmen, right?

7 A. Correct.

8 Q. Okay. And when did you generate this
9 report?

10 A. I assume sometime after season 2016
11 since that's the last that was listed.

12 Q. Okay. So you were able to pull up data
13 from 2011 and 2016 when you ran this report;
14 right?

15 A. Correct.

16 Q. Okay. And why did you run this report?

17 A. It's just something I --

18 MR. STORCH: To the extent --
19 to the extent it calls for anything
20 discussed between counsel, that he
21 can't answer.

22 MS. WASHINGTON: Right. And
23 he would have ran this while he was
24 still employed with Ken Corbett
25 Farms, so ...

1 MR. STORCH: Understood. I
2 just wanted to make sure that
3 anything that was discussed about it
4 or about a reason with me or my firm
5 is not discussed. That's all. I'm
6 well aware of that.

7 BY MS. WASHINGTON:

8 Q. Yeah, I'm not asking for you to reveal
9 anything you discussed with them. Only at the
10 time when you ran this report, why you ran it.

11 A. Just as a reference point for the three
12 of us in the office.

13 Q. Did you -- what -- a reference point for
14 what?

15 A. Just so we kind of knew where we all
16 stood.

17 Q. Did you share the document with the
18 other two salesmen?

19 A. Yes.

20 Q. Did you have a conversation with them
21 about it?

22 A. I'm sure we did.

23 Q. Do you recall what you discussed?

24 A. Not in specific, no.

25 Q. Now, this -- for example, for the year

1 2011 we have Eric and there's the number 193,508?

2 A. Uh-huh.

3 Q. And then -- what does that refer to?

4 A. I'm going to assume it was packages.

5 Q. Packages sold?

6 A. Correct.

7 Q. What is a package?

8 A. A box of product.

9 Q. So it contained more than one -- for
10 example, pepper, it would be more than one pepper?

11 A. Correct.

12 Q. How many peppers would it be?

13 A. Depending on what type of pepper and
14 what size it was. If it was an extra large
15 pepper, there would be 50 to 55 in a box. If it
16 was jumbo, there would generally be 30 to 40 in a
17 box. So it was just a package.

18 Q. Okay. So this 21 percent, what does
19 that refer to next to this number that we just
20 discussed?

21 A. It was in reference to 21 percent of the
22 packages sold.

23 Q. So the packages sold total between
24 everybody, so between 100 percent?

25 A. Roughly. I mean, these were just rough

1 numbers. This wasn't anything used for anything
2 other than for us to look at.

3 Q. So this 21 percent refers to -- I don't
4 understand what the percentage was relative --
5 what it was based on.

6 A. The 929,441 packages sold on the far
7 right.

8 Q. Okay. So these are total packages sold
9 by him? I mean by -- by the three of you?

10 A. By the three of us.

11 Q. Oh, okay. So the total packages sold by
12 the three of you for 2011 were 929,441?

13 A. Roughly. It would adjust a little bit
14 if some things change, but roughly, yes.

15 Q. So in this case you sold 44 percent of
16 those 929,441 packages in 2011?

17 A. Correct.

18 Q. And Jed sold 329,877 packages or 36
19 percent of those total packages?

20 A. That's correct.

21 Q. Okay. Now, it says "total US." Does
22 that mean that you sold in the country?

23 A. No, that was just total us. There was
24 additional packages that could be sold for cash or
25 something else so that was just as the report came

1 up as I remember for the three of us.

2 Q. So the difference -- it looks like
3 there's a slight difference between the total US
4 packages and the total -- total US and then the
5 total packages.

6 A. Actually "total us" meaning the three of
7 us. Not US.

8 Q. Oh, this has nothing to do with United
9 States. Okay. So where do these other packages
10 come from in the total packages category?

11 A. I guess they could have just been in as
12 cash or they could have been in as samples or they
13 could have been in as some other items, so ...

14 Q. Were they not calculated for purposes of
15 that percentage?

16 A. It didn't matter. It wasn't enough of
17 them. It was just a number.

18 Q. Okay. So I see below Eric's name for
19 2011 there's \$2,336,925 and under "total us" it's
20 \$10,802,696. So isn't that the same -- those are
21 the same calculations, but for the actual money
22 that you brought in?

23 A. Correct.

24 Q. So the percentages, for example, for
25 Eric of 22 percent, he brought in 22 percent of

1 your total sales?

2 A. Of revenue, yeah.

3 Q. Of revenue. In 2011.

4 A. Again, these are rough numbers. That's
5 all they were.

6 Q. And what do you mean by rough numbers?

7 A. I mean, I just ran a quick report based
8 on salesman and product. I'm sure that's what I
9 ran. So I didn't verify anything, I didn't see if
10 anything changed later. These were just numbers
11 on the day I ran them.

12 Q. Okay. So it was subject to -- those
13 numbers were subject to being changed at a later
14 date?

15 A. They probably weren't going to change
16 much, but they could be, yes.

17 Q. And what would that change be based on
18 if it was?

19 A. If there was an adjustment on an order
20 or if something was moved -- I don't know. They
21 could just change on occasion. I could run a
22 report one day and it could be a little different
23 the next day. I didn't deal with the accounting
24 side, so I can't answer that, specifically.

25 Q. All right. Let's look at -- oh, you've

1 made a statement, so let's look at page 27 in the
2 last sentence under the heading Exhibit A. "Jed
3 moved a lot of product to New York in 2016 which
4 was above average or normal." What does that
5 mean?

6 A. Well, just based on his numbers, as you
7 can see, New York was mainly one customer which
8 was Jetro, which was -- they just pulled a lot --
9 they bought a lot of product which was above
10 normal for that year. That's why his number had
11 increased so much.

12 Q. Now, has -- have you ever sold product
13 to Jetro?

14 A. No, I didn't sell to Jetro.

15 Q. Okay. Was Jetro a customer that you
16 could have acquired?

17 A. We sold Jetro at Florida Specialties.
18 Yes.

19 Q. But you never sold for them at Ken
20 Corbett?

21 A. I didn't sell them because Jed had a
22 better relationship with Jetro, so he sold them.

23 Q. Let's move on to Exhibit B which would
24 be page 15 -- no. Sorry. Page 14.

25 A. 14?

1 Q. Yes. And can you explain to us what
2 this -- what these numbers show in Exhibit B? And
3 I'll -- let me withdraw that question. For
4 Exhibit B, did you run this report on the same day
5 that you ran the one that we've discussed in
6 Exhibit A?

7 A. Probably not.

8 Q. Do you remember when you ran the report?

9 A. No, I do not.

10 Q. Is it safe to say that it was before
11 2016 because the last dates we see here are 2014?

12 A. It had to be.

13 Q. Okay. So for spring of 2011 here,
14 packages, so this number is the same type of
15 number that we saw in the previous report?

16 A. Without remembering what I put in these
17 numbers, no.

18 Q. Okay. Well, what does it -- tell me
19 what it represents, Exhibit B.

20 A. All it represented was whenever this was
21 done, package count, again under packages, average
22 dollars sold, meaning all of the packages divided
23 by the revenue that was created for those
24 packages, and then the percentages.

25 Q. Okay. So, for example, for spring 2011,

1 for Eric, he sold 103,003 packages, right?

2 A. Correct.

3 Q. So this average dollar amount, this was
4 the average amount that his packages sold for?

5 A. \$10.89.

6 Q. Okay.

7 A. Yeah.

8 Q. So these -- will this package number be
9 divided by this average number to come up with the
10 sales number?

11 A. The package number should be divided
12 into the sales number, yeah, to come up with the
13 average. Without going through and checking it,
14 yeah, I believe that was how it was done. And,
15 again, these were just for a point of reference
16 for the three of us in the office. This was all
17 this was for.

18 Q. Did you, Jed, and Eric, have regular
19 meetings amongst -- have meetings amongst
20 yourselves regularly?

21 A. Yes.

22 Q. Okay. In person?

23 A. Yes.

24 Q. And did you generate these reports for
25 use at your meetings?

1 A. They were for us to discuss, yes.

2 Q. Did they ever generate reports for use
3 at the meeting?

4 A. Not that I know of.

5 Q. You only recall you doing it?

6 A. That's why I had these, yes. They may
7 have had some, and I may not have seen them or
8 have them.

9 Q. Okay. Well, let's move on to the
10 Exhibit C, page 16. Actually, let's go back to
11 Exhibit B, again. I have a question about
12 something you said in your letter. And take a
13 look at page 27 at the same time. So on page 17
14 there's a headline Exhibit B, pages 1 and 2, the
15 last sentence is, "I sold a lot of the lower-grade
16 products as I had those contacts to do when we had
17 lower quality product to sell." What does that
18 mean?

19 A. Generally, in reference to an item like
20 bell pepper, if there was a lot of choice pepper
21 which was less than number one retail pepper. So
22 if number one retail pepper was \$16 a box, choice
23 would roughly be \$12 a box. So I've sold a lot
24 more of the off-grade product.

25 Q. And why did you sell a lot of the

1 off-grade product?

2 A. That was part of my customer base and
3 the other two didn't have that part of their
4 customer base as much, so ...

5 Q. So the customers that purchased the
6 lower-grade product, you had more of those
7 customers than Jed or Eric?

8 A. Based on the numbers, yes.

9 Q. What do you mean "based on the numbers"?

10 A. Well, based on the percentage of the
11 average box cost, yes. Without any detail, I'm
12 just making assumptions based on what the numbers
13 are.

14 Q. So based on the numbers that you
15 generated here in these reports, you're making
16 assumptions based on that?

17 A. Part of it is an assumption because
18 there's nothing specific about what type product
19 it was, any of those things. That's correct.

20 Q. So all we have here are the average
21 prices and how much you sold?

22 A. Correct. On all of the packages. It
23 wasn't run just on jumbos, it wasn't run just on
24 choice. It was on everything. And, again, these
25 were just for our discussions. That's all these

1 were generated for.

2 Q. Okay. All right. Now we can move to
3 Exhibit C.

4 (Defendant's Exhibit No. C was marked
5 for identification.).

6 BY MS. WASHINGTON:

7 Q. Was this report -- do you remember when
8 you generated this report?

9 A. No, I do not.

10 Q. And what does this report show?

11 A. All that shows is the top, our top
12 customers of -- that the three of us sold and the
13 dollar amounts that were generated by each one for
14 each year.

15 Q. So you have -- well, there's a number.
16 So, for example, let's look at from 2011, there's
17 a handwritten number 5 here. Did you write that?

18 A. I believe I did.

19 Q. And there's -- it looks like some of
20 these names are highlighted.

21 A. Yes, they are.

22 Q. Like Fresh Start, Windsor, Custom Pack,
23 Tavilla and Marano. Did you do that?

24 A. Yes.

25 Q. Okay. Why did you -- what does this 5

1 refer to?

2 A. That I sold five of the top customers in
3 the company. That was just my reference point.

4 Q. And are these -- do these highlighted
5 customers, does that refer -- the 5 refer to that?

6 A. That refers to my -- yes, the five that
7 I sold.

8 Q. And when you say "top customers," what
9 does that mean?

10 A. Revenue-generating customers.

11 Q. What does "top" mean?

12 A. Meaning, for example, under Exhibit C,
13 page 2 of 3, page 17, 2013 Pero (phonetic) did
14 \$1,711,147.85. They bought more product than
15 anybody else that year.

16 Q. Okay.

17 A. So they were the number one customer for
18 the year.

19 Q. Do you remember what the price per
20 package was for those?

21 A. No. That's not what this was run for.
22 This was just to show who the top customers were.

23 Q. Okay. And Pero, is Pero your -- is that
24 highlighted? Is Pero your customer in 2013?

25 A. No. That's Eric's customer.

1 Q. But for 2013, Custom Pack was your
2 customer?

3 A. Yes.

4 Q. Fresh Start?

5 A. Yes.

6 Q. Windsor?

7 A. Yes.

8 Q. Tavilla?

9 A. Tavilla.

10 Q. And Marano?

11 A. And Marano.

12 Q. So that's five. Okay. So this list --
13 I mean, the lists -- so let's look at 2013. The
14 104 customers, so there are more -- this is only a
15 short list of all of the customers?

16 A. It's just the top customers. Yes.

17 Q. Top, okay.

18 A. It's the top 10 customers.

19 Q. Okay. And were any of these customers
20 that you've highlighted here, so for 2013 Custom
21 Pack, Fresh Start, Windsor, Tavilla and Marano,
22 are any of those brokered customers?

23 A. When you say brokered, referencing what?

24 Q. That you would buy and sell those
25 products -- that you would buy those products for

1 them and sell them?

2 A. No. For the most part these were all
3 customers that bought product from Ken Corbett
4 Farms. Grown product, not brokered product.

5 Q. And when you say for the most part, what
6 does that mean?

7 A. That the majority of the product we sold
8 was farm grown products, not brokered product.

9 Q. So is there any of these highlighted
10 customers here that was -- that were only broker
11 relationships?

12 A. Without having the detail, I would
13 assume no.

14 Q. Okay. And, actually, let's talk more
15 about that broker relation -- those broker
16 relationships. Explain to me what this broker --
17 if you were a broker for a particular product,
18 what happened there?

19 A. I'm not sure what you're asking me.

20 Q. So if you were -- you referred in your
21 letter here about brokered product and how Kim
22 Corbett didn't discourage those types of
23 relationships. What does that mean? What is a
24 brokered product relationship?

25 A. If we were to go out and buy product

1 from another farm and resell it.

2 Q. So that was discouraged by Kim Corbett?

3 A. Back then it was, yes.

4 Q. Do you know why she dis -- why it was
5 discouraged?

6 A. No, ma'am.

7 Q. So she never told you?

8 A. Nope.

9 Q. And you said that that's not the case
10 now?

11 A. No.

12 Q. Okay. What has changed?

13 A. I assume their philosophy on how they
14 wanted to run their business.

15 Q. So they're encouraging broker products
16 now?

17 A. Yes.

18 Q. How do you know that?

19 A. Because of the business that they're
20 doing now versus the business we were doing then.

21 Q. So you have personal experience of what
22 they're doing as part of their business since you
23 left?

24 A. Yeah. There's no secrets in the produce
25 business.

1 Q. Were you able to generate the majority
2 of your sales from selling broker product?

3 A. No.

4 Q. Hold on one second. We're going to
5 shift gears now to talk about your employment
6 after you left Ken Corbett Farms. You testified
7 earlier that you had surgery in 20 -- excuse me.
8 In June -- withdraw that question.

9 You testified earlier that you had
10 surgery for your cancer in June of 2017; right?

11 A. I believe so, yes.

12 Q. And you started working for Windsor
13 sometime around October of 2017?

14 A. Yes.

15 Q. Now, let's look at your interrogatory
16 responses and that's Exhibit 4, I believe. Yes,
17 Defendant's Exhibit 4. And go to page 3, bottom
18 of page 3. All right. Sorry about that.

19 So in your interrogatories in Exhibit 4,
20 let's go down to 2017 Unemployment income from
21 July 24 to September 28, State of Georgia. The
22 amount is \$4,220; right?

23 A. Yes.

24 Q. Okay. Let me mark as Exhibit -- I'm
25 going to mark this as Exhibit 11, our return here.

1 MS. WASHINGTON: Noah, we're
2 looking at the tax return, Mr.
3 Stepanovich's tax return from 2017.

4 MR. STORCH: Are you going to
5 mark them all individually or are you
6 just going to do it as a composite?

7 MS. WASHINGTON: We can --

8 MR. STORCH: I don't care. I
9 mean, I was --

10 MS. WASHINGTON: Well, I
11 wasn't going to introduce all of
12 them. There's only a couple of them
13 that I had questions about, so
14 let's -- we'll just do them one at a
15 time.

16 BY MS. WASHINGTON:

17 Q. So this is Exhibit 11. And take a look
18 at that and let me know if you can recognize it.

19 A. Okay.

20 (Defendant's Exhibit No. 11 was marked
21 for identification.)

22 BY MS. WASHINGTON:

23 Q. All right. Can you take a look at
24 page -- well, these are not numbered but just look
25 at the second page of your 2017 tax return.

1 A. Okay.

2 Q. And just to make sure we have the same
3 thing, does it say 1040 US Individual Income Tax
4 Return 2017?

5 A. Yes.

6 Q. Okay. Look at line 19. What numbers
7 does that say? What number does that say?

8 A. Line 19?

9 Q. Yes.

10 A. 4,620.

11 Q. Okay. So your interrogatory -- so is it
12 \$4,620 that you received in Unemployment or
13 \$4,220?

14 A. I don't know. I'd have to go back and
15 pull the data and see.

16 Q. What do you see on your tax return here?

17 A. 4,620.

18 Q. Okay. So is this more reliable than
19 what you listed in your interrogatories?

20 A. The interrogatory, I can't answer. It
21 could be a typo. I don't know.

22 Q. Okay.

23 A. I would assume my accountants have it
24 correct.

25 Q. And that's in your tax return; right?

1 A. Yes, ma'am.

2 Q. Perfect.

3 And what -- I'm sorry. When I asked you
4 if you recognize this document, but what is the
5 document that you just looked at, Exhibit 11?

6 A. Exhibit 11?

7 Q. Yes.

8 A. The first page is a W2.

9 Q. Okay.

10 A. The second page is the first -- is my --
11 two pages of my tax returns, page 2 and 3.

12 Q. Okay. Thank you. And you produced this
13 to us as a part of your response to our request
14 for production of documents?

15 A. I believe so.

16 Q. Thank you. Okay. So tell us about how
17 you came to be employed at Windsor Distributing in
18 2017.

19 A. John offered me the job, I took the job.

20 Q. What's John's last name?

21 A. John Karalekus.

22 Q. How do you spell that? C or K?

23 A. K.

24 Q. What else?

25 A. K-A-R-A-L-E-K-U-S, I believe.

1 Q. And how long did you work there?

2 A. I'd have to confirm the dates.

3 Q. Do you still work there?

4 A. No.

5 Q. Okay. Would you have received a W2 only
6 this time period that you worked there?

7 A. Yes.

8 Q. Okay. We'll go through that, then.
9 Anybody else you worked for besides Windsor since
10 you left Ken Corbett?

11 A. No, ma'am, I don't believe so. Other
12 than Florida Specialties.

13 Q. How long have you been at Florida
14 Specialties?

15 A. I went back there -- I think in April or
16 May it will be two years.

17 Q. So April or May of 2018?

18 A. I believe so.

19 Q. So it was about a year after you left
20 Ken Corbett. Okay.

21 And let's go through your compensation
22 from 2011 until now, and I'll probably introduce
23 some of these tax returns and we'll look at your
24 interrogatory as well. So for 2011 your
25 interrogatory says that you made \$128,775 at

1 Ken -- with Ken Corbett?

2 A. Yes, ma'am.

3 Q. And then Growers Direct, \$38,250?

4 A. Yes, ma'am.

5 Q. So was this a job -- Grower Direct was a
6 job that you had during the off season from Ken
7 Corbett?

8 A. During the winter, yes, ma'am.

9 Q. Okay. And did your -- since 2011 has
10 your wife ever had a W2 -- I saw that you were
11 married filing jointly; right?

12 A. Yes.

13 Q. Okay. Did your wife ever have a W2, any
14 income that she -- let me withdraw that.

15 Did your wife ever contribute any income
16 that was taken into account in your taxes?

17 A. She owns a small business.

18 Q. But there was no W2 that she would have
19 had considered in taxes?

20 A. I don't believe so.

21 Q. Okay. So for 2012, your interrogatories
22 say that through Ken Corbett Farms you made
23 \$153,369.52; right?

24 A. Okay.

25 Q. And I'm going to hand you what I've

1 marked as Defendant's Exhibit 6.

2 MS. WASHINGTON: This is

3 Mr. Stepanovich's 2012 tax return.

4 (Defendant's Exhibit No. 6 was marked
5 for identification.)

6 BY MS. WASHINGTON:

7 Q. All right. Do you recognize this
8 document, Mr. Stepanovich?

9 A. Yes.

10 Q. And what is it?

11 A. It's my W2s from Ken Corbett and Growers
12 Direct.

13 Q. What about the other two pages?

14 A. As well as my tax return for 2012.

15 Q. Thank you. And did you produce this
16 document in response to our document request?

17 A. Yes.

18 Q. Thank you. So let's take a look at the
19 W2 on the first page for Ken Corbett.

20 A. Okay.

21 Q. What number do you see there in the --
22 in box number one, wages, tips and other
23 compensation?

24 A. 153,769.52.

25 Q. Okay. Is that different from what your

1 interrogatories say?

2 A. Yes, it is.

3 Q. Which one is accurate?

4 A. I would assume my tax return.

5 Q. Okay. Thank you.

6 Now, your other two here is -- your
7 other W2 here in Exhibit 6 is from Growers Direct?

8 A. Yes, ma'am.

9 Q. And you were employed with Growers
10 Direct during the off season from Ken Corbett
11 Farms?

12 A. During the winter season.

13 Q. The winter season. Okay. Let's move on
14 to your compensation in 2014 -- excuse me. 2013.
15 For 2013, your pay from Ken Corbett Farms was
16 143,000 and there's the numbers 1560441.

17 A. Okay.

18 Q. What -- there has to be numbers --
19 there's an extra number here, right?

20 A. It looks like it.

21 Q. Okay. Let's look at the 2013 tax
22 return.

23 MS. WASHINGTON: I am marking
24 this as Exhibit 7, Defendant's
25 Exhibit 7. And this is Mr.

1 Stepanovich's 2013 tax return.

2 THE WITNESS: Okay.

3 MS. WASHINGTON: Exhibit 7.

4 (Defendant's Exhibit No. 7 was marked
5 for identification.)

6 BY MS. WASHINGTON:

7 Q. And, Mr. Stepanovich, let me know if you
8 had a chance to look at that.

9 A. I have.

10 Q. You recognize it?

11 A. Yes, I do.

12 Q. What is it?

13 A. My W2s from Ken Corbett Farms and
14 Growers Direct for 2013 and my tax return for
15 2013.

16 Q. Thank you. And did you produce this in
17 response to our document production request?

18 A. Yes.

19 Q. Thank you. So for 2013 what does --
20 what does it say in box 1 for Ken Corbett's W2?

21 A. 143,150.41. So, obviously, there's a
22 typo.

23 Q. So that 6 shouldn't be there it looks
24 like, right?

25 A. I would assume so. Correct.

1 Q. And Growers Direct, you were paid
2 \$33,340 for the winter season, right?

3 A. Correct.

4 Q. Okay. So let's move on to 2000 -- okay.
5 The next line it says 2104 but that's 2014, right?

6 A. I would assume so.

7 Q. Okay. KCF gross and the amount was
8 \$154,269.97?

9 A. Okay.

10 Q. So Enterprise -- okay. Let me give you
11 your set of exhibits.

12 MS. WASHINGTON: I'm marking
13 this as Defendant's Exhibit 8 and
14 this is Mr. Stepanovich's 2014 tax
15 return. Exhibit 8.

16 (Defendant's Exhibit No. 8 was marked
17 for identification.)

18 BY MS. WASHINGTON:

19 Q. And let me know when you've had a chance
20 to look at it.

21 A. Okay.

22 Q. Do you recognize that document?

23 A. Yes, ma'am.

24 Q. What is it?

25 A. W2 from Ken Corbett 2014 and Enterprise

1 HR for 2014.

2 Q. And what about the other two pages?

3 A. Tax returns for 2014.

4 Q. And you produced these in response to
5 our document production request?

6 A. Yes, ma'am.

7 Q. Thank you. So your interrogatories
8 state that there was Unemployment compensation for
9 38 -- excuse me. \$3,850, right?

10 A. Okay.

11 Q. And why did you file for Unemployment
12 that year?

13 A. During the off season, the winter
14 season, Growers Direct was no longer bringing in
15 product from Mexico so I filed Unemployment
16 against Growers Direct in the off season. I
17 believe that's what it was.

18 Q. Okay. So you -- so you can -- you were
19 drawing Unemployment. Did you have to state that
20 you weren't -- that you had no job during --

21 A. I assume so. And state that I had been
22 hopefully looking for employment, as well, I'm
23 assuming. I met all of the standards for
24 Unemployment.

25 Q. Okay. So were you -- but you were still

1 employed by Ken Corbett Farms; is that right?

2 A. I was still seasonally employed by Ken
3 Corbett, yes.

4 Q. So explain to me what "seasonally
5 employed" means.

6 A. In the spring and the fall.

7 Q. So you were not an employee during those
8 other seasons?

9 A. No, ma'am.

10 Q. So you were rehired every season?

11 A. I never did paperwork that I remember,
12 no, ma'am. I just -- you know, it was a seasonal
13 job, so ...

14 Q. So when you were -- you attended a
15 convention in March of 2017; right?

16 A. I believe so.

17 Q. And were you employed with Ken Corbett
18 Farms at that time?

19 A. I was assuming I was coming back for my
20 spring employment, yes. Was I getting a paycheck?
21 No.

22 Q. You didn't sell -- you didn't make any
23 sales in 2017?

24 A. When we started back with squash, yes.

25 Q. And when did you start back with squash?

1 A. I don't know the exact dates. It was
2 sometime I think the first part of April.

3 Q. Okay. And you made a sale?

4 A. I can't recall. I made, I would think,
5 at least one or two sales, yes.

6 Q. Got it. So back to 2014, Enterprise --
7 I don't see Enterprise HR -- Enterprise HR2 listed
8 in your interrogatories here.

9 A. Well, I'm assuming -- I don't know. I
10 don't recall what that is, so I don't know.

11 Q. This is a W2 from them, right, for 2014?

12 A. It is.

13 Q. So -- and that was included in your
14 wages, salaries and tips in your tax return;
15 right?

16 A. Okay.

17 Q. But it wasn't -- but you didn't include
18 it here in your interrogatories?

19 A. I don't -- I don't know why. I can't
20 answer that.

21 Q. Okay. Who is Enterprise 2HR? What is
22 that?

23 A. I don't know. I honestly don't know. I
24 mean, I would have to go back in my records and
25 look.

1 Q. Okay. We'll talk -- it looks like that
2 name comes up again in 2000 --

3 A. So if it was part of Big Red, then that
4 may have been who they did their payroll through.

5 Q. Okay. So you -- so, yeah, next in 2015
6 it says Enterprise HR, Big Red.

7 A. Okay.

8 Q. So Big Red is Enterprise 2?

9 A. It must be, yeah.

10 Q. Okay.

11 A. That must be their payroll group.

12 Q. Okay. All right. Let's move on to
13 2015. Let's mark this as Defendant's Exhibit 9.
14 And tell me if you recognize it.

15 A. Yes.

16 (Defendant's Exhibit No. 9 was marked
17 for identification.)

18 BY MS. WASHINGTON:

19 Q. What is it?

20 A. Tax returns for 2015.

21 Q. No W2 is here; right?

22 A. I don't see any.

23 Q. And you submitted this document to us in
24 response to our Request for Production of
25 Documents?

1 A. Yes.

2 Q. You said that you don't -- do you have
3 W2s for 2015?

4 A. I'm assuming we don't; otherwise, I
5 probably would have submitted them. There would
6 be no reason for me not to.

7 Q. It says here that your -- in your
8 interrogatories that you made \$164,933.50 at Ken
9 Corbett Farms.

10 A. Okay.

11 Q. And then Big Red, \$37,500. So how are
12 you able to tell that from this document if you
13 don't have the W2s?

14 A. I would have to go back and look. I
15 can't answer that.

16 Q. All right. Let's move on to 2016. So
17 it says here that you made with Ken Corbett
18 \$180,990.53 and then through Windsor \$25,608.32.

19 A. Okay.

20 Q. All right. We've talked about 2017.
21 Okay. So for 2018 tell us how you came to be
22 employed at Florida Specialties in 2018.

23 A. New ownership at Florida Specialties,
24 they approached me to come back to work for them;
25 I accepted their offer.

1 Q. Okay. And you're still working for
2 them; right?

3 A. Correct.

4 Q. Any other -- and in 2018, you were still
5 working for -- you still worked for Windsor;
6 right?

7 A. At the beginning of 2018; correct.

8 Q. So you're no longer with Windsor
9 anymore?

10 A. No, ma'am.

11 Q. Okay. And so far this year -- well,
12 this is 2020 now, but in 2019 you only worked for
13 Florida Specialties?

14 A. Correct.

15 Q. Do you know what your salary was for
16 2019?

17 A. I think 132,000. That was my salary.

18 Q. So you were paid at -- since you went
19 back to work for Florida Specialties in 2018, what
20 was your compensation structure?

21 A. Salary, bonus and commission.

22 Q. What is your salary? Just the salary
23 portion.

24 A. The 132.

25 Q. Okay. Commission, what is that? What

1 was that for 2019?

2 A. Last year? Without seeing my W2s, it
3 was somewhere in the 20,000 range, I believe.

4 Q. Okay. And what about your bonus?

5 A. At least another 10.

6 Q. And in -- through -- and since the
7 beginning of this year you've been working for
8 them, you haven't -- you've still been
9 continuously working for them?

10 A. Correct.

11 Q. Okay. Thank you.

12 I have one more question for you about
13 your document production so if you could take a
14 look at Exhibit 1. It's entitled Plaintiff's
15 Responses to Defendant's First Request for
16 Production. And let's take a look at page -- it
17 says 7 at the bottom, but at the very top it's
18 number 1.

19 And in that --

20 A. I'm sorry. Which one are we looking at?

21 Q. This is Exhibit 1 and the first page of
22 it says Plaintiff's Responses to Defendant's First
23 Request for Production. And if you thumb through,
24 it looks like the third page but it says number 7
25 at the bottom.

1 A. Exhibit 1?

2 Q. Yes.

3 A. Since mine aren't numbered.

4 Q. Yeah. It looks like this. Plaintiff's
5 Responses to Defendant's First Request for
6 Production. It's not that one.

7 A. Not that one.

8 Q. Should be that very last one.

9 A. Okay. Which page?

10 Q. All right. Let's thumb through the
11 third page and we're going to look at number 1.

12 A. Okay.

13 Q. And we request here "nonattorney/client
14 privileged documents referring to or relating to
15 or upon which Plaintiff has relied or now relies
16 on in support of any of his allegations in the
17 complaint, including, but not limited to, any
18 diaries, notebooks, journals, calendars,
19 appointment books or diaries, tape recordings,
20 emails, letters, text messages, messages of any
21 type on social networking sites such as Facebook
22 or Twitter, blog, posts or other documents created
23 or maintained by or on behalf of Plaintiff." Do
24 you see that?

25 A. Yes, ma'am.

1 Q. Okay. And you see your response down
2 there?

3 A. Yes, ma'am.

4 Q. So have you produced -- let me withdraw
5 that question.

6 You testified earlier that you'd have to
7 look at your calendar, your personal calendar to
8 verify some of the dates I asked about; right?

9 A. See if they're in my phone. Yes, ma'am.

10 Q. And you haven't produced those to us
11 yet; right?

12 A. I'm not sure which dates you're asking
13 for.

14 Q. Okay. But there are some calendar
15 entries that you could look up in your phone?

16 A. For my personal stuff? For like
17 doctor's appointments and things?

18 Q. Yes. And then --

19 A. Some of them are in my phone, but I
20 don't know how far back it goes.

21 Q. And what about the dates that you had in
22 conversation with Eric Bolesta and Jed Hunter?

23 A. No, I wouldn't put any of that in my
24 calendar.

25 Q. You didn't testify earlier that you

1 could verify when you had that conversation with
2 them about your cancer if you looked on your
3 calendar?

4 A. Because I was going to reference the
5 conference you referenced earlier in March, when
6 it was, because I couldn't remember the dates.
7 That's all it was.

8 MS. WASHINGTON: Okay. So,
9 Noah, this is just a request for
10 whatever -- I can -- we'll go back,
11 and any of those dates that are --
12 that allegations were made about any
13 specific dates about treatment or
14 dates that he disclosed details to
15 anyone associated with Ken Corbett
16 Farms, if he has some that would be
17 responsive to our request.

18 MR. STORCH: To the extent
19 that he has them because he said that
20 he doesn't know how far his phone
21 goes back. So he may not have them.
22 But to the extent he does, certainly
23 we'll get it.

24 MS. WASHINGTON: Okay. All
25 right. And that's all -- those are

1 all the questions I have.

2 Noah, do you have any
3 questions for Mr. Stepanovich?

4 MR. STORCH: Yes, but I'm
5 going to take about 10 minutes to
6 gather my notes.

7 MS. WASHINGTON: Okay. And I
8 just will reserve the right after
9 Mr. Storch asks his questions to ask
10 any follow-up questions. Thank you.

11 So should we take 10 minutes?

12 MR. STORCH: Yes.

13 MS. WASHINGTON: Okay. Thank
14 you.

15 (Recessed, 11:56 a.m.)

16 (Reconvened, 12:19 p.m.)

17 EXAMINATION

18 BY MR. STORCH:

19 Q. Mr. Stepanovich, were you ever told
20 during your employment with Ken Corbett Farms that
21 you were not producing up to par?

22 A. No.

23 Q. Did anyone from Ken Corbett Farms ever
24 discuss with you your job performance at all?

25 A. No.

1 Q. Were you ever told that you were
2 deficiently performing your job?

3 A. Say that again.

4 Q. Were you ever told that you were
5 deficiently performing your job at Ken Corbett
6 Farms?

7 A. No.

8 Q. Were you ever told by anyone at Ken
9 Corbett Farms that your production was low?

10 A. No.

11 Q. Were you ever told by anyone at Ken
12 Corbett Farms that you didn't have the commitment
13 to the operations of Ken Corbett Farms?

14 A. No.

15 Q. In 2015 and 2016, were you made aware
16 that Ken Corbett Farms allegedly sustained
17 financial hardships?

18 A. No.

19 Q. Now, at some point you were diagnosed
20 with cancer; correct?

21 A. Yes.

22 Q. And you informed Ken Corbett Farms of
23 your cancer diagnosis; correct?

24 A. Yes.

25 MS. WASHINGTON: Object to

1 form.

2 MR. STORCH: He already
3 answered, but okay.

4 BY MR. STORCH:

5 Q. Did you specifically tell Ken Corbett
6 about your cancer diagnosis?

7 A. I don't recall.

8 Q. Do you recall who you told?

9 A. Not everybody, no, not specifically. I
10 know -- other than Eric and Jed, I discussed --
11 other than that, I can't specifically say, no.

12 Q. What about Justin?

13 A. I don't remember if I specifically told
14 Justin or not, or if Eric told him.

15 Q. When you say "you can't recall," are you
16 saying that you may have told Justin, you may have
17 told Ken, you're just not able to say right now
18 with a hundred percent certainty?

19 MS. WASHINGTON: Object to
20 form.

21 MR. STORCH: You can answer.

22 THE WITNESS: That's correct.

23 BY MR. STORCH:

24 Q. And prior to April of 2017, were you --
25 were you ever spoken to about your average selling

1 price?

2 A. No.

3 Q. Prior to April of 2017, were you ever
4 spoken to about the growth of your business?

5 A. No.

6 Q. How many other salesmen were working
7 with you in 2017 at Ken Corbett Farms?

8 A. Two.

9 Q. Did either one of those individuals have
10 cancer to your knowledge?

11 A. No.

12 Q. And were either one of those individuals
13 terminated?

14 A. No.

15 Q. Did you ever abandon Ken Corbett Farms?

16 A. No.

17 Q. And did anyone at Ken Corbett Farms ever
18 speak with you about your sales efforts?

19 A. No.

20 Q. How long after you disclosed your cancer
21 to Ken Corbett Farms were you terminated?

22 MS. WASHINGTON: I object to
23 form.

24 MR. STORCH: You can answer.

25 THE WITNESS: Less than two

1 months.

2 BY MR. STORCH:

3 Q. Did you hear my question, Mr.
4 Stepanovich?

5 A. Oh, I said less than two months.

6 Q. Oh, I'm sorry. I didn't hear that.

7 A. Sorry.

8 Q. And you believe that you were terminated
9 as a result of your disclosure of your disability
10 to Ken Corbett Farms?

11 MS. WASHINGTON: Object to
12 form.

13 BY MR. STORCH:

14 Q. You can answer.

15 A. Yes.

16 MR. STORCH: I have no further
17 questions.

18 MS. WASHINGTON: I don't have
19 any either.

20 MR. STORCH: We will read.

21 (Discussion held off the record.)

22 MS. WASHINGTON: Before we go
23 off the record, I wanted to just make
24 sure that we have these exhibits
25 numbered right.

(Discussion held off the record.)

MS. WASHINGTON: All right.

The Exhibit Number 1 is Plaintiff's Responses to Defendant's First Request for Production. Defendant's Exhibit 2 is the document production, Plaintiff's document production. Defendant's Exhibit -- okay. Exhibit 3 should be -- do you have the complaint? Okay. Defendant's Exhibit 3 is the complaint in this case. Defendant's Exhibit 4 is Plaintiff's answers to Defendant's interrogatories. Defendant's Exhibit -- there's no Exhibit 5. Defendant's Exhibit 6 is Mr. Stepanovich's 2012 taxes and W2s. Defendant's Exhibit 7 is Mr. Stepanovich's 2013 W2s and taxes. Defendant's Exhibit 8 is Mr. Stepanovich's 2014 W2 and taxes. Exhibit Number 9 is Mr. Stepanovich's 2015 tax return. Exhibit 11 -- there's no Exhibit 10. Exhibit 11 is Mr. Stepanovich's 2017 W2s and tax

1 returns. And no further exhibits.

2 Okay. Well, with that we have
3 nothing else and I guess we can go
4 off the record.

5 (Thereupon, the deposition was concluded
6 at 12:29 p.m. and signature was
7 reserved.)

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DISCLOSURE

STATE OF GEORGIA:

COUNTY OF THOMAS:

Pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter reporting for Baker Realtime Reporters, Montgomery, Alabama. (888) 253-3377.

I am not disqualified for a relationship of interest under the provisions of O.C.G.A. 9-11-28(c).

I was contacted by the offices of Baker Realtime to provide court reporting services for this deposition.

I will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37 (a) and (b).

I have no exclusive contract to provide reporting services with any party to the case, any counsel in the case, or any reporter or reporting agency from whom a referral might have been made to cover this deposition.

I will charge my usual and customary rates to all parties in the case, and a financial discount will not be given to any party to this litigation.

A review of the transcript was requested.

1 CERTIFICATE

2 STATE OF GEORGIA:

3 GEORGIA, THOMAS:

4 I, Julie Robinson-Lawrence, Certified Court
5 Reporter, State of Georgia, Certificate No. B-1865,
6 CERTIFY that acting in such capacity, I reported the
7 testimony herein, and on the foregoing pages have
8 transcribed a true and correct transcript thereof. A
9 review of the transcript was requested.

10 I FURTHER CERTIFY that I am not counsel for,
11 nor am I related to any party to the above case; nor
12 am I interested in the event or outcome.

13 WITNESS my hand and official seal as Certified
14 Court Reporter, State of Georgia, Certificate No.
15 B-1865, this 29th day of January 2020.

16
17
18 

19
20 Julie Robinson-Lawrence

21 Certificate No. 1865
22
23
24
25

Stepanovich, Jeffrey Vs. Ken Corbett Farms, LLC

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1 NOAH E. STORCH

3 January 30, 2020

4 RE: Stepanovich, Jeffrey v. Ken Corbett Farms, LLC
5 1/23/2020, Jeffrey Stepanovich (#3848590)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 litsup-ga@veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21
22 Yours,

23 Veritext Legal Solutions
24
25

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Jeffrey Stepanovich (#3848590)

E R R A T A S H E E T

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Jeffrey Stepanovich Date

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1 Stepanovich, Jeffrey v. Ken Corbett Farms, LLC

2 Jeffrey Stepanovich (#3848590)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Jeffrey Stepanovich, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10
11 _____
12 Jeffrey Stepanovich

_____ Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 _____ DAY OF _____, 20____.

16
17
18 _____
19 NOTARY PUBLIC
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[21 - agent]

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[based - care]

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139:25 142:11 143:21 155:21 w2s 136:11 138:13 144:3,13 146:2 155:17,19,25 wages 136:22 142:14 wait 8:7,18 89:18 89:20,21 walk 29:24 want 7:25 58:3 68:17 69:18 81:20 90:16,19 98:6 107:13,14,18 wanted 16:3 19:9 27:11 28:16 36:22 47:4 69:25 72:17 72:25 115:2 129:14 154:23 washington 2:10 3:4 5:1,4,13 6:2 7:5 10:10 37:1,10 38:11,19,25 39:4 39:10,13,19,23 40:4 42:23 43:2 43:10,16 51:15,21 62:7,11 63:10,12 86:17,20,22 88:6 88:18 93:1 101:2 101:7 107:12,21 108:11,15 112:7 112:10,13 114:22 115:7 125:6 131:1 131:7,10,16,22 136:2,6 137:23 138:3,6 139:12,18 143:18 149:8,24 150:7,13 151:25 152:19 153:22 154:11,18,22 155:2	way 54:10 99:15 we've 106:22 121:5 144:20 wednesday 83:15 week 97:25 weekly 55:8,17 weeks 104:25 went 10:2 14:21 15:3,5,25 19:1,2 23:8 25:10 27:2 35:1 53:19 94:14 94:17 103:16 106:14 134:15 145:18 western 13:13,18 wholesalers 71:17 71:20,21,22 72:10 wife 135:10,13,15 wife's 11:19 100:20 window 30:18 windsor 48:25 49:8 53:17 54:23 56:13,24,25 105:11 106:14 125:22 127:6,21 130:12 133:17 134:9 144:18 145:5,8 winter 135:8 137:12,13 139:2 140:13 wisconsin 17:18 wise 70:21 wishes 100:20 withdraw 59:7 112:16 121:3 130:8 135:14 148:4 witness 5:12,24 107:20 138:2	152:22 153:25 158:13 159:8,10 159:12,19 words 45:21 47:13 85:24 work 14:21 15:6 19:10 21:23 22:1 25:7 27:2 32:11 45:18 46:20 48:7 63:5 67:23,24 93:23 94:3,6,11 95:3,6 97:22 106:14 134:1,3 144:24 145:19 worked 14:17 21:14 22:5 112:24 134:6,9 145:5,12 working 23:19 24:24 26:23 33:8 34:4,10 36:17 51:8 94:7 130:12 145:1,5 146:7,9 153:6 works 12:18,19,20 12:21 worry 97:25 98:15 wright 12:20 write 125:17 writing 29:12 written 44:15 86:1 wrote 64:21 88:16 89:22	147:4 year 18:16 20:24 21:1 22:6 24:25 64:3 81:24 99:8 109:11 113:8 115:25 120:10 125:14 126:15,18 134:19 140:12 145:11 146:2,7 yearly 96:13 109:5 109:8 114:4 years 11:3,9,15,24 14:18 18:10 22:10 27:1 32:6 46:11 46:17 48:24 62:17 65:18,19 66:10,11 66:12 75:12,20 134:16 yellow 48:3 yesterday 79:16 79:18 york 17:17 120:3 120:7 young 22:19
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Georgia Code

Title 9, Chapter 11

Article 5, Section 9-11-30

(e) Review by witness; changes; signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by paragraph (1) of subsection (f) of this Code section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed. If the deposition is not reviewed and signed by the witness within 30 days of its submission to him or her, the officer shall sign it and state on the record that the deposition was not reviewed and signed by the deponent within 30 days. The deposition may then be used as fully as though signed unless, on a motion to suppress under paragraph (4) of subsection (d) of Code

Section 9-11-32, the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

CASE NO.: 7:18-cv-186 (HL)

JEFFREY STEPANOVICH,

Plaintiff,

vs.

KEN CORBETT FARMS, LLC, A
GEORGIA LIMITED LIABILITY
COMPANY,

Defendant.

_____ /

PLAINTIFF'S RESPONSES TO DEFENDANT'S
FIRST REQUEST FOR PRODUCTION

Plaintiff, JEFREY STEPANOVICH, by and through his undersigned counsel, pursuant to the Local Rules for the Middle District of Georgia and the Federal Rules of Civil Procedure, hereby serves his Responses to Defendant's First Request for Production.

Dated: July 10, 2019.

Respectfully submitted,

By:/s/ Noah E. Storch

Noah E. Storch, Esq.

Florida Bar No. 0085476

RICHARD CELLER LEGAL, P.A.

10368 West State Road 84, Suite 103

Davie, Florida 33324

Telephone: (866) 344-9243 x111

Facsimile: (954) 337-2771

Email: noah@floridaovertime.com

Counsel for Plaintiff



CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2019, I sent the foregoing via E-mail to:

Jeffrey D. Mokotoff, Esq.
FORD & HARRISON, LLP
271 17th Street, NW
Suite 1900
Atlanta, Georgia 30363
Telephone: (404) 888-3821
Facsimile: (404) 888-3863
Email: jmokotoff@fordharrison.com

Counsel for Defendant

/s/ Noah E. Storch
Noah E. Storch, Esq.

PLAINTIFF'S RESPONSES TO REQUESTS FOR PRODUCTION

1. All non-attorney-client privileged documents referring or relating to or upon which Plaintiff has relied or now relies on in support of any of his allegations in the Complaint, including, but not limited to, any diaries, notebooks, journals, calendars, appointment books or diaries, tape recordings, e-mails, letters, text messages, messages on any type of social networking site such as Facebook or Twitter, blog posts, or other documents created or maintained by or on behalf of Plaintiff.

RESPONSE: Plaintiff has conducted a good-faith search for any non-privileged, responsive documents, and agrees to produce all documents in his possession, custody, and/or control.

2. Any documents which were written by Plaintiff or that are in Plaintiff's possession, custody, or control (including, but not limited to, any and all diaries, appointment books, calendars, expense account records, reports, notebooks, notes, or other memoranda) that may be used by Plaintiff to remember any events related to any facts alleged in the Complaint.

RESPONSE: Plaintiff objects to Request No. 2 on the grounds that it seeks information and/or documentation protected by the attorney-client privilege and/or work-product doctrine. Subject to, and without waiving the foregoing objections, **RESPONSE:** Plaintiff has conducted a good-faith search for any non-privileged, responsive documents, and agrees to produce all documents in his possession, custody, and/or control.

3. All documents relating to Plaintiffs employment with KCF, including but not limited to all offer letters, agreements, memoranda, policies, resumes, handbooks, job descriptions, job applications, performance reviews, performance improvement plans, warnings, disciplinary actions, termination notices, resignation letters, leave requests, accommodation requests, and/or reports, which Plaintiff believes has a relationship to this case.

RESPONSE: Defendant is in possession of the information and/or documentation requested. Plaintiff has conducted a good-faith search for any non-privileged, responsive documents, and agrees to produce all documents in his possession, custody, and/or control.

4. All documents, including emails, that reflect and/or refer to Plaintiffs communications with KCF, Ken Corbett, Kimberly Corbett, or any employee of KCF, regarding any of Plaintiffs alleged medical conditions during his employment with KCF.

RESPONSE: Defendant is in possession of the information and/or documentation requested. Plaintiff has conducted a good-faith search for any non-privileged, responsive documents, and agrees to produce all documents in his possession, custody, and/or control.

5. All documents relating to any medical services identified in response to Interrogatory 7, including but not limited to medical records, medical bills, insurance claim forms, prescriptions, doctor's reports or evaluations, test results, psychiatric notes, and referrals. **[Please sign, date and return the originals of the applicable releases in Exhibit "A," drafted in compliance with HIPAA, to permit Defendant to obtain your medical and psychological records from the healthcare providers named in your answers to Interrogatories. Note:**

Both releases are required per HIPAA.]

RESPONSE: Defendant is in possession of the information and/or documentation requested. Plaintiff has conducted a good-faith search for any non-privileged, responsive documents, and agrees to produce all documents in his possession, custody, and/or control.

6. All documents relating or referring to all of Plaintiff's attempts to obtain employment or earn any income identified in Interrogatory 5, including, but not limited to, employment applications, resumes, correspondence, notes, memoranda, and documents to or from prospective employers, contractors, or others from whom Plaintiff sought employment or income, particularly regarding interviews, applications, tests, offers of employment, and/or rejections of applications or offers of employment. **[Please sign, date and return the original of the applicable release in Exhibit "A," authorizing the release of your employment records to FordHarrison LLP].**

RESPONSE: Defendant is in possession of the information and/or documentation requested. Plaintiff has conducted a good-faith search for any non-privileged,

responsive documents, and agrees to produce all documents in his possession, custody, and/or control.

7. All documents substantiating any income Plaintiff has earned since 2011, including but not limited to all documents regarding income identified in Interrogatories 3 and 4 and pay stubs, W-2s, 1099s, and annual tax returns. **[Please sign, date and return the original of the applicable release form in Exhibit "A," authorizing the release of your tax return records to FordHarrison LLP.]**

RESPONSE: Defendant is in possession of the information and/or documentation requested. Plaintiff has conducted a good-faith search for any non-privileged, responsive documents, and agrees to produce all documents in his possession, custody, and/or control.

8. All documents showing, substantiating, referencing, or relating to alleged damages claimed by Plaintiff, including, but not limited to, any actual, liquidated, or punitive damages claimed to be owed to you by KCF.

RESPONSE: Plaintiff has conducted a good-faith search for any non-privileged, responsive documents, and agrees to produce all documents in his possession, custody, and/or control.

9. All documents (including e-mails) which refer or relate to, or evidence, any communication between Plaintiff and Ken Corbett, Kimberly Corbett, or any employee of KCF regarding the subject matter of the Complaint

RESPONSE: Defendant is in possession of the information and/or documentation requested. Plaintiff has conducted a good-faith search for any non-privileged, responsive documents, and agrees to produce all documents in his possession, custody, and/or control.

TOLL FREE
866-344-WAGE (9243)

TOLL FREE
877-435-WAGE (9243)

TAMPA
813-371-0799

ORLANDO
407-261-1920

SPACE COAST
321-206-4030

BROWARD
954-903-7475

DADE
305-351-2393

FT MYERS
239-567-5765

JACKSONVILLE
904-435-3310

GAINESVILLE
352-224-4200



CLMT0001

REPRESENTING EMPLOYEES
AGAINST EMPLOYERS
ACROSS THE UNITED STATES
IN CLAIMS FOR:

- Discrimination
- Harassment
- Overtime
- Retaliation
- Wrongful Termination
- Whistleblower Rights
- Unpaid Commissions
- Severance Negotiations
- Breach of Contract

July 31, 2017

**VIA UNITED STATES MAIL
AND FACSIMILE TO 229-559-9053**

Ken Corbett Farms, LLC.
Attn: Kristin Gyr
972 GA-376
Lake Park, GA. 31636

Re: Stepanovich, Jeffrey v. Ken Corbett Farms, LLC.

Dear Sir or Madam:

This firm represents Mr. Stepanovich in his claims against Ken Corbett Farms, LLC. ("KCF"), for breach of contract and unpaid wages, and for discrimination and retaliation in violation of the Americans with Disabilities Act ("ADA"). If we are unable to resolve this matter by August 14, 2017, we intend to proceed with litigation immediately on the breach of contract claim, and again once the EEOC finalizes their administrative investigations. Please notify your insurance carrier and legal counsel of these allegations. Additionally, please advise if any binding arbitration agreement is alleged to be in place.

The facts of this case are straightforward. Mr. Stepanovich worked as a Salesman at KCF from April 2011, until his unlawful termination on April 26, 2017. Mr. Stepanovich was an excellent employee who had no significant history of disciplinary, performance, or attendance issues. On March 10, 2017, Mr. Stepanovich disclosed a serious medical condition necessitating surgery to KCF management and approximately one month later, Mr. Stepanovich was terminated.¹ KCF will likely argue that Mr. Stepanovich was terminated due to the company's economic difficulties. However, such allegations are mere pretext, as owner, Ken Corbett, had recently expressed his intention to hire a 4th salesman just prior to this disclosure. It is clear that KCF saw Mr. Stepanovich's disability as an opportunity to get rid of an employee because it perceived/regarded him as disabled.

As you know, Mr. Stepanovich's condition is a protected disability under the ADA, *See* 42 U.S.C. § 12102, and KCF's actions unquestionably constitute disability discrimination in violation of the ADA. The ADA requires an employer to provide its ADA protected employees with a reasonable accommodation unless doing so would impose an undue hardship. This includes providing an employee with leave to treat his health condition. Given the circumstances

¹ On March 10, 2017, Mr. Stepanovich informed Eric Bolesta and Jed Hunter, of his prostate cancer, and expected surgery scheduled for July 20, 2017.

7450 Griffin Road | Suite 230 | Davie, FL 33314
Telephone 866-344-WAGE (9243) | Fax 954-337-2771 | richard@floridaovertime.com

EXHIBIT D-2
WIT: Stepanovich
DATE: 1-23
Julie Lawrence, CCR

CLMT0002

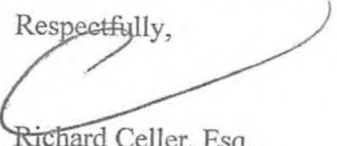
surrounding Mr. Stepanovich's termination, especially considering his documented medical condition and need for surgery, it is apparent KCF management took issue with his serious health condition and accommodation request. Instead of accommodating Mr. Stepanovich's leave request, as the law requires, KCF discarded a loyal and highly productive employee because it decided that the protective provisions of the ADA could be casually disregarded.

As for the breach of contract claim, Mr. Stepanovich is owed commissions for squash production beginning April 18, 2017, through his termination. Mr. Stepanovich has made several attempts to recover said commissions, but KCF has refused to pay same. This is illegal.

In light of the foregoing, we are confident a jury will find KCF's actions unacceptable and in direct violation of the law. Thus, we intend to move forward with this case vigorously. If we do not hear back from you with an appropriate offer to resolve this matter **by August 14, 2017**, we will move forward with litigation.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Respectfully,



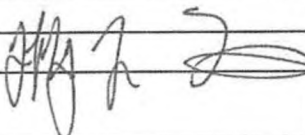
Richard Celler, Esq.

CLMT0003

CHARGE OF DISCRIMINATION				AGENCY		CHARGE NUMBER	
This form is affected by the Privacy Act of 1974; See Privacy Act					FEPA		
				X	EEOC		
State or local Agency, if any: <input checked="" type="checkbox"/> Georgia Commission on Equal Opportunity						S.S. No.	
NAME (Indicate Mr., Ms., Mrs.)				HOME TELEPHONE (Include Area Code)			
Mr. Jeffrey Stepanovich				c/o Richard Celler, Esq. 866-344-9243			
STREET ADDRESS		CITY, STATE AND ZIP CODE			DATE OF BIRTH		
c/o Richard Celler Legal, P.A. 7450 Griffin Road, Suite 230, Davie, Florida 33314					11/25/1960		
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)							
NAME		NUMBER OF EMPLOYEES, MEMBERS 300+			Telephone:		
Ken Corbett Farms, LLC.					229-559-9051		
NAME					Telephone:		
STREET ADDRESS		CITY, STATE AND ZIP CODE			COUNTY		
972 HWY 376		Lake Park, GA. 31636			Lowndes		
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))							
					DATE DISCRIMINATION TOOK PLACE:		
	Race	Color	Sex	Religion	Age	4/26/17	
<input checked="" type="checkbox"/>	Retaliation	<input type="checkbox"/>	National Origin	<input checked="" type="checkbox"/>	Disability	Other:	
<p>Mr. Stepanovich worked as a Salesman at KCF from April 2011, until his unlawful termination on April 26, 2017. Mr. Stepanovich was an excellent employee who had no significant history of disciplinary, performance, or attendance issues. On March 10, 2017, Mr. Stepanovich disclosed a serious medical condition necessitating surgery to KCF management and approximately one month later, Mr. Stepanovich was terminated.¹ KCF will likely argue that Mr. Stepanovich was terminated due to the company's economic difficulties. However, such allegations are mere pretext, as owner, Ken Corbett, had recently expressed his intention to hire a 4th salesman just prior to this disclosure. It is clear that KCF saw Mr. Stepanovich's disability as an opportunity to get rid of an employee because it perceived/regarded him as disabled.</p> <p>As you know, Mr. Stepanovich's condition is a protected disability under the ADA, See 42 U.S.C. § 12102, and KCF's actions unquestionably constitute disability discrimination in violation of the ADA. The ADA requires an employer to provide its ADA protected employees with a reasonable accommodation unless doing so would impose an undue hardship. This includes providing an employee with leave to treat his health condition. Given the circumstances surrounding Mr. Stepanovich's termination, especially considering his documented medical condition and need for surgery, it is apparent KCF management took issue with his serious health condition and accommodation request. Instead of accommodating Mr. Stepanovich's leave request, as the law requires, KCF discarded a loyal and highly productive employee because it decided that the protective provisions of the ADA could be casually disregarded.</p>							

¹ On March 10, 2017, Mr. Stepanovich informed Eric Bolesta and Jed Hunter, of his prostate cancer, and expected surgery scheduled for July 20, 2017.

CLMT0004

I want this charge filed with the EEOC, FCHR, and local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	
	NOTARY - (When necessary for State and Local Requirements)
I declare under penalty of perjury that the foregoing is true and correct.	
SIGNATURE OF COMPLAINANT	
Date	8/1/2017
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year) Aug 01, 2017	



TOLL FREE
866-344-WAGE (9243)

TOLL FREE
877-435-WAGE (9243)

TAMPA
813-371-0799

ORLANDO
407-261-1920

SPACE COAST
321-206-4030

BROWARD
954-903-7475

DADE
305-351-2393

FT MYERS
239-567-5765

JACKSONVILLE
904-435-3310

GAINESVILLE
352-224-4200



CLMT0005

REPRESENTING EMPLOYEES
AGAINST EMPLOYERS
ACROSS THE UNITED STATES
IN CLAIMS FOR:

- Discrimination
- Harassment
- Overtime
- Retaliation
- Wrongful Termination
- Whistleblower Rights
- Unpaid Commissions
- Severance Negotiations
- Breach of Contract

AUGUST 2, 2017

VIA CERTIFIED MAIL
7016 2140 0000 8784 7254

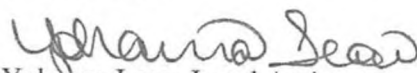
EEOC DISTRICT OFFICE
Savannah Local Office
7391 Hodgson Memorial Drive
Suite 200
Savannah, GA 31406

Re: Jeffrey Stepanovich v. Ken Corbett Farms, LLC.

Dear Sir or Madam:

This firm has been retained by Jeffrey Stepanovich with regard to his claims for discrimination. Attached please find a copy of the Executed Charge of Discrimination on his behalf. Please direct any and all further correspondence to our firm regarding this case. Our contact information is above.

Respectfully,


Yohanna Leon, Legal Assistant to
Richard Celler, Managing Partner

/yl
Enclosure.

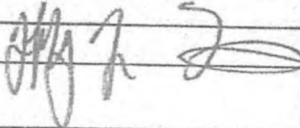
7450 Griffin Road | Suite 230 | Davie, FL 33314
Telephone 866-344-WAGE (9243) | Fax 954-337-2771 | richard@floridaovertimelawyer.com

CLMT0006

CHARGE OF DISCRIMINATION				AGENCY		CHARGE NUMBER	
This form is affected by the Privacy Act of 1974; See Privacy Act							
				X FEPA			
				X EEOC			
State or local Agency, if any: <input checked="" type="checkbox"/> Georgia Commission on Equal Opportunity						S.S. No.	
NAME (Indicate Mr., Ms., Mrs.)				HOME TELEPHONE (Include Area Code)			
Mr. Jeffrey Stepanovich				c/o Richard Celler, Esq. 866-344-9243			
STREET ADDRESS		CITY, STATE AND ZIP CODE			DATE OF BIRTH		
c/o Richard Celler Legal, P.A. 7450 Griffin Road, Suite 230, Davie, Florida 33314					11/25/1960		
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)							
NAME				NUMBER OF EMPLOYEES, MEMBERS 300+		Telephone:	
Ken Corbett Farms, LLC.						229-559-9051	
NAME						Telephone:	
STREET ADDRESS		CITY, STATE AND ZIP CODE			COUNTY		
972 HWY 376		Lake Park, GA. 31636			Lowndes		
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))							
						DATE DISCRIMINATION TOOK PLACE:	
	Race		Color		Sex		Age
							4/26/17
	<input checked="" type="checkbox"/> Retaliation		<input type="checkbox"/> National Origin		<input checked="" type="checkbox"/> Disability		Other:
<p>Mr. Stepanovich worked as a Salesman at KCF from April 2011, until his unlawful termination on April 26, 2017. Mr. Stepanovich was an excellent employee who had no significant history of disciplinary, performance, or attendance issues. On March 10, 2017, Mr. Stepanovich disclosed a serious medical condition necessitating surgery to KCF management and approximately one month later, Mr. Stepanovich was terminated.¹ KCF will likely argue that Mr. Stepanovich was terminated due to the company's economic difficulties. However, such allegations are mere pretext, as owner, Ken Corbett, had recently expressed his intention to hire a 4th salesman just prior to this disclosure. It is clear that KCF saw Mr. Stepanovich's disability as an opportunity to get rid of an employee because it perceived/regarded him as disabled.</p> <p>As you know, Mr. Stepanovich's condition is a protected disability under the ADA, <i>See</i> 42 U.S.C. § 12102, and KCF's actions unquestionably constitute disability discrimination in violation of the ADA. The ADA requires an employer to provide its ADA protected employees with a reasonable accommodation unless doing so would impose an undue hardship. This includes providing an employee with leave to treat his health condition. Given the circumstances surrounding Mr. Stepanovich's termination, especially considering his documented medical condition and need for surgery, it is apparent KCF management took issue with his serious health condition and accommodation request. Instead of accommodating Mr. Stepanovich's leave request, as the law requires, KCF discarded a loyal and highly productive employee because it decided that the protective provisions of the ADA could be casually disregarded.</p>							

¹ On March 10, 2017, Mr. Stepanovich informed Eric Bolesta and Jed Hunter, of his prostate cancer, and expected surgery scheduled for July 20, 2017.

CLMT0007

I want this charge filed with the EEOC, FCHR, and local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	
	NOTARY - (When necessary for State and Local Requirements)
I declare under penalty of perjury that the foregoing is true and correct.	
SIGNATURE OF COMPLAINANT	
Date	8/1/2017
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year) Aug 01, 2017	





**U.S. Equal Employment Opportunity Commission
Savannah Local Office**

CLMT0008

7391 Hodgson Memorial Drive
Suite 200
Savannah, GA 31406
(912) 920-4279
TDD: 1-800-669-6820
Fax: (912) 920-4484
1-800-669-4000

Respondent: KEN CORBETT FARMS, LLC
EEOC Charge No.: 415-2017-00814

Jeffrey Stepanovich
C/O Richard Celler, Legal P.A.
7450 Griffin Rd., Ste. 230
Davie, FL 33314

Dear Mr. Stepanovich:

This is to acknowledge receipt of the above-numbered charge of employment discrimination against the above-named respondent. Please use the "EEOC Charge No." listed above whenever you call us about this charge. The information provided indicates that the charge is subject to:

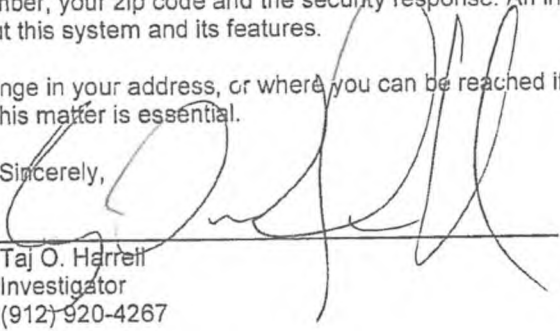
- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Title VII of the Civil Rights Act of 1964 (Title VII) |
| <input type="checkbox"/> | The Age Discrimination in Employment Act (ADEA) |
| <input checked="" type="checkbox"/> | The Americans with Disabilities Act (ADA) |
| <input type="checkbox"/> | The Equal Pay Act (EPA) |
| <input type="checkbox"/> | The Genetic Information Nondiscrimination Act (GINA) |

You need do nothing further at this time. We will contact you when we need more information or assistance. A copy of the charge or notice of the charge will be sent to the respondent within 10 days of our receipt of the charge as required by our procedures.

The quickest and most convenient way to obtain the contact information and the status of your charge is to use EEOC's Online Charge Status System, which is available 24/7. You can access the system via this link (<https://publicportal.eeoc.gov/portal>) or by selecting the "My Charge Status" button on EEOC's Homepage (www.eeoc.gov). To sign in, enter your EEOC charge number, your zip code and the security response. An informational brochure is enclosed that provides more information about this system and its features.

While your charge is pending, please notify us of any change in your address, or where you can be reached if you have any prolonged absence from home. Your cooperation in this matter is essential.

Sincerely,


Taj O. Harrell
Investigator
(912) 920-4267

Office Hours: Monday – Friday, 8:30 a.m. - 5:00 p.m.
www.eeoc.gov

Enclosure(s): cc:

CLMT0009



WHAT YOU SHOULD DO AFTER YOU HAVE FILED A CHARGE WITH EEOC

➤ KEEP YOUR DOCUMENTS – BOTH PAPER AND ELECTRONIC

Now that you have filed an EEOC charge, you must keep anything that might be evidence related to your charge. This includes *all* documents, communications, and electronic information that are potentially related to your EEOC charge, including the harm caused by the discrimination, and all records of your communications with the EEOC. Even if you are not sure whether the information is relevant to your discrimination claim, please do not throw it away or delete it.

➤ WHAT INFORMATION MUST YOU KEEP?

- Paper documents, such as:
 - Employee manuals, pay stubs, work schedules
 - Letters, memos, your notes
 - Pictures, drawings, charts, whether or not they contain words
- Electronic information, such as:
 - E-mails, text messages, tweets, and social media posts and pictures
 - Voice messages, video and sound recordings
 - Word processing documents, electronic calendar entries
- Electronic memory on devices or the devices themselves, such as:
 - Memory on computers, laptops, tablets, cell phones
 - Computers, laptops, tablets, cell phones
 - Do not delete, replace, alter, “wipe,” or “clear” your computer hard drive, electronic tablet, or cell phone, and do not change or remove Internet posts, without retaining an electronic copy. If you dispose of any old computers, phones or devices, make sure you make and keep an electronic copy of all potentially relevant information on the device.
- These are some examples and not a complete list.
- If you have questions about what you should or should not do, please contact your investigator.

Why must you keep this information? It might be evidence related to your charge. We are required by the courts to ensure that all potentially relevant information is retained. **Please note that failure to keep these records may cause you to lose your case, or to lose the right to recover money lost due to the discrimination.**

What happens to your information? Your investigator will discuss with you what information is needed by the EEOC to investigate your charge. Information that you provide that happens to be private or personal in nature will not be disclosed by the EEOC during its investigation, and if the EEOC files suit on your charge, we will do our best to keep such information out of the court proceedings.

Please see page 2 for additional important information.

CLMT0010

➤ **LOOK FOR WORK IF YOU ARE OUT OF WORK**

If you lost your job or were not hired due to discrimination, you may be entitled to the pay or wages you lost. However, you cannot receive lost wages unless you can show that you looked for another job to replace the one you lost or were denied due to discrimination. In order to prove you searched for work, you must keep copies of all letters, emails, or other evidence of your job search. If you succeed in finding a new job but it pays less than the job you lost, you may be entitled to the difference in pay. Therefore, it is necessary to keep all evidence of your job search even if you find another job.

In addition to looking for work, you should keep good records of your job search so you can prove that you have tried to find a comparable job. If you are out of work because of discrimination, be sure to save *all* documents and communications, including e-mails, relating to your job search.

➤ **WHAT ARE RECORDS OF YOUR JOB SEARCH?**

The following types of information can prove that you have tried to find work:

- copies of job applications and resumes
- a list of all the companies you contact about jobs by phone, letter or in-person
- copies of e-mails or letters that you send to or receive from companies where you have asked about work or submitted an application
- a list all of the places where you apply and for each one,
 - a. the date of the application;
 - b. the position you were seeking;
 - c. the response you received from your application, such as rejection letters or invitations to interview;
 - d. whether you were interviewed and the date of the interview;
 - e. the results of the interview;
 - f. whether you turned down a job offer, and if you did, why
- notes about what you did to look for work (for example, searching the newspaper or Internet or contacting employment agencies) and the dates that you conduct the search
- copies of your pay stubs or earnings records if you find another job.

If you have questions about what you are required to do, please contact your investigator.

➤ **KEEP US INFORMED**

Once you file a charge with the EEOC, you must tell us if you move or get a new address, telephone number, or e-mail address. We may need to talk to you to get more information. If the EEOC cannot reach you to get necessary information, your charge may be dismissed.

➤ **CALL IF YOU HAVE QUESTIONS**

Your investigator will discuss with you the documents and other evidence we need to investigate your charge. If you have any questions, or for inquiries about the status of your case, please contact your investigator directly or call 1-800-669-4000.

CLMT0011

EEOC Online Charge Status System Tip Sheet

Find out about the status of your charge of discrimination any time, day or night, using the EEOC Online Charge Status System. The system is available for charges that were filed on or after September 2, 2015.

- Access the Online Charge Status System via this link <https://publicportal.eeoc.gov/portal/> or select the "My Charge Status" button on www.eeoc.gov.
- Enter your assigned charge number (found in the upper right hand corner on your discrimination charge form) and your zip code (as it appears on your discrimination charge form) to sign in. (If you have provided a new address and zip code to EEOC, use the new zip code.) You will be asked to enter a security code displayed in a box on the sign-in screen that is provided to assure additional security for the system.
- After you have signed into the Online Charge Status System, you will see the screen display pictured below. The numbers on the screen shot refer to the features explained beneath it.*

The screenshot shows the EEOC Online Charge Status System Public Portal. At the top is the EEOC logo and the text "U.S. Equal Employment Opportunity Commission Public Portal". Below this is the "Online Charge Status System" heading. A note states: "Below is the current status and information about the charge you have filed with the EEOC. Placing your cursor over any of the status boxes or the individual listed entries, will provide additional information about each item that will display in a text box. Additionally, for an overview of the charge process, select the 'Show Full Process' button below." The main content area is divided into three columns: "Status of the charge (s)", "Contact Information", and "Office Information". The "Status of the charge (s)" column shows "INVESTIGATION" with a callout 1 pointing to it. The "Contact Information" column shows "Joe Investigator" and "joe.investigator@eeoc.gov" with a callout 2 pointing to it. The "Office Information" column shows "EEOC Charlotte District Office", "129 W. Trade Street", "Charlotte, NC", and "28202" with a callout 3 pointing to it. Below this is a "Process Flow" section with three boxes: "INTAKE", "INVESTIGATION", and "NEXT STEP". The "INTAKE" box shows a list of actions: "[1] 11/20/2015 Charge is filed", "[2] 11/20/2015 Your charge has been transferred to the investigation division", "[3] 11/20/2015 Your charge has been assigned to an investigator", and "[4] 01/11/2016 EEOC is collecting evidence about your charge." with callouts 4 and 5 pointing to it. The "INVESTIGATION" box shows a list of actions: "[2] 11/20/2015 Your charge has been transferred to the investigation division", "[3] 11/20/2015 Your charge has been assigned to an investigator", and "[4] 01/11/2016 EEOC is collecting evidence about your charge." with callout 5 pointing to it. The "NEXT STEP" box shows a list of actions: "Possible next steps on your charge may include the following: Determination of no reasonable cause may be issued; Notice of Right to Sue may be issued upon request and charge may be closed; Determination of reasonable cause may be issued; Charge may be withdrawn with benefits secured independent of EEOC and charge may be closed." with callout 6 pointing to it. At the bottom of the "Process Flow" section are two buttons: "Show Full Process" (callout 7) and "Logout" (callout 8). The footer of the page says "Copyright © 2013-2016 EEOC Inc. All rights reserved."

1. A quick view of the stage in the process at which your charge is currently.
2. The name and contact information of the EEOC staff member assigned to your charge or a note that your charge is pending assignment.
3. The EEOC office (and its address) that is handling your charge.
4. The specific actions the EEOC has taken on your charge, numbered sequentially, and the date of each action. (hold cursor over each action to read further details about the task).
5. The general steps in the process, with additional explanations that display when you hold your cursor over a colored box.
6. The range of next steps possible in the investigative process, which pops up when the cursor is held over this box.
7. The flow of the overall investigative process, which comes up when you click on this box.
8. Ends your session on the Online Charge Status System.

*Not every stage of the enforcement process will display for every charge, as each charge follows the process most appropriate to the facts in the charge and the stages of the investigation.

CLMT0012

Keep in mind that the EEOC process takes time, so there will be gaps between entries about your charge in the Online Charge Status System. Even when you do not see any change in the status of your charge, EEOC staff are hard at work.

Exhibit A

CLMT0013

Year	Erick	Jed	Jeff	Total US	Total PKGS
2011	193,508	329,877	406,055	929,441	929,490
	21%	36%	44%		
	\$ 2,336,925.00	\$ 3,890,503.00	\$ 4,575,267.00	\$ 10,802,696.00	\$ 10,802,696.00
	22%	36%	42%		
2012	253,165	288,583	408,863	950,612	953,932
	27%	30%	43%		
	\$ 2,627,143.00	\$ 2,816,398.00	\$ 4,115,297.00	\$ 9,558,839.00	\$ 9,566,699.00
	27%	30%	43%		
2013	476,382	352,166	541,029	1,369,578	1,374,602
	35%	26%	40%		
	\$ 5,543,989.00	\$ 3,404,996.00	\$ 5,346,457.00	\$ 14,295,443.00	\$ 14,298,587.00
	39%	24%	37%		
2014	441,117	401,174	448,851	1,291,143	1,333,697
	34%	31%	35%		
	\$ 5,999,036.00	\$ 5,533,384.00	\$ 5,729,035.00	\$ 17,261,456.00	\$ 17,340,091.00
	35%	32%	33%		
2015	684,182	603,045	610,874	1,898,102	1,954,148
	36%	32%	32%		
	\$ 7,370,787.00	\$ 5,852,934.00	\$ 5,948,248.00	\$ 19,171,970.00	\$ 19,198,630.00
	38%	31%	31%		
2016	546,340	803,594	530,365	1,880,300	1,899,086
	29%	43%	28%		
	\$ 5,397,895.00	\$ 7,311,058.00	\$ 4,911,700.00	\$ 17,620,654.01	\$ 17,620,653.00
	31%	42%	28%		
				8,319,176	8,444,955
				\$ 88,711,058.00	\$ 88,827,356.00

CLMT0014

Exhibit B Page 1 of 2

	Spring 2011	Packages	AVG	Sales \$'s	% of \$'s	% of Pack
Eric	103,003		\$ 10.89	\$ 1,121,720.21	0.25	0.24
Jed	135,564		\$ 10.48	\$ 1,421,175.70	0.32	0.32
Jeff	187,653		\$ 10.28	\$ 1,929,414.71	0.44	0.44
TOTALS:	426,220			\$ 4,472,310.08		
Fall 2011						
Eric	89,320		\$ 12.66	\$ 1,131,092.35	0.19	0.18
Jed	191,680		\$ 12.23	\$ 2,343,399.57	0.39	0.38
Jeff	217,422		\$ 11.38	\$ 2,475,245.40	0.42	0.44
TOTALS:	498,422			\$ 5,949,737.32		
YTD	924,642		\$ 11.27	\$ 10,422,047.40		
Spring 2012						
Eric	126,782		\$ 11.00	\$ 1,394,501.00	0.27	0.26
Jed	150,695		\$ 10.12	\$ 1,525,188.00	0.29	0.31
Jeff	210,964		\$ 10.87	\$ 2,293,823.00	0.44	0.43
TOTALS:	489,218			\$ 5,218,312.00		
Fall 2012						
Eric	126,865		\$ 9.77	\$ 1,239,634.00	0.28	0.27
Jed	138,935		\$ 9.38	\$ 1,303,275.00	0.3	0.3
Jeff	197,879		\$ 9.20	\$ 1,821,970.00	0.42	0.42
TOTALS:	466,243			\$ 4,367,444.00		
YTD	955,461		\$ 10.03	\$ 9,585,756.00		
Spring 2013						
Eric	230,078		\$ 11.79	\$ 2,711,854.00	0.38	0.34
Jed	156,382		\$ 9.56	\$ 1,613,381.00	0.22	0.23
Jeff	298,663		\$ 9.56	\$ 2,855,698.00	0.4	0.44
TOTALS:	688,744			\$ 7,180,933.00		
Fall 2013						

CLMT0015

Exhibit B Page 2 of 2

0.36
0.29
0.350.4
0.26
0.34

Eric	247,349	\$	10.06	\$	2,488,792.00
Jed	196,641	\$	8.55	\$	1,661,229.00
Jeff	243,232	\$	8.66	\$	2,107,029.00
TOTALS:	688,610			\$	6,277,050.00
YTD	1,377,354	\$	9.77	\$	13,457,983.00
Spring 2014					
Eric	180,002	\$	15.65	\$	2,817,629.73
Jed	162,338	\$	15.66	\$	2,542,152.74
Jeff	195,749	\$	14.95	\$	2,927,401.42
TOTALS:	538,089	\$	15.40	\$	8,287,183.89
Fall 2014					
Eric	252,237	\$	10.65	\$	2,717,455.61
Jed	238,496	\$	11.09	\$	2,645,084.77
Jeff	253,362	\$	9.04	\$	2,289,316.51
TOTALS:	762,077			\$	7,662,830.89
YTD	1,300,136	\$		\$	15,950,014.00

Exhibit C Page 1 of 3

CLMT0016

Customer	From 2011 Dollars	Packages		
Pero	\$ 6,034,511.44	480,333		
Fresh Start	\$ 5,833,303.30	631,716		
Jetro	\$ 5,800,230.79	664,128		
Windsor	\$ 4,168,125.50	399,938		
Custom Pak	\$ 3,872,509.31	417,108		
Loblaw	\$ 3,692,211.05	238,072		
Tavilla	\$ 3,403,514.92	330,226		
Darrigo	\$ 2,874,831.58	361,989		
Colace	\$ 1,928,538.90	154,436		
Marano	\$ 1,396,689.00	145,084		
	\$ 39,004,465.79	47%	3,823,030	46%
	\$ 82,379,926.12		8,327,915	
23 over \$1,000,000				
224 customer				

	2011			
Pero	\$ 1,120,500.78	84,722		
Fresh Start	\$ 993,958.10	90,316		
Jetro	\$ 919,656.89	82,598		
Custom Pak	\$ 749,461.00	74,244		
Tavilla	\$ 713,460.70	62,292		
Coastal	\$ 447,510.85	36,422		
Pexco	\$ 388,386.02	25,768		
Windsor	\$ 380,416.00	31,185		
SMP	\$ 301,120.00	24,165		
Marano	\$ 265,950.00	24,430		
	\$ 6,280,420.34	60%	536,142	58%
	\$ 10,422,047.40		924,642	
98 customer				
25 over 100,000				

	2012			
Pero	\$ 756,458.85	74,844		
Windsor	\$ 709,663.50	72,122		
Jetro	\$ 632,325.59	77,020		
Tavilla	\$ 579,861.55	60,942		
Fresh Start	\$ 559,011.50	69,071		
Custom Pak	\$ 497,039.40	59,995		
Darrigo	\$ 482,643.80	69,017		
Loblaw	\$ 406,356.45	29,085		
Marano	\$ 353,670.00	36,416		
Hamceed	\$ 323,420.00	23,020		
	\$ 5,300,450.64	61%	571,532	60%

Exhibit C Page 2 of 3

CLMT0017

85 customers	\$ 8,741,300.60	949,095
24 over 100,000		

2013

Pero	\$ 1,711,147.85	137,336
Custom Pak	\$ 895,082.70	116,276
Loblaw	\$ 873,845.65	57,271
Jetro	\$ 810,931.70	104,640
Fresh Start	\$ 761,800.00	80,932
Windsor	\$ 529,674.00	50,071
Tavilla	\$ 517,805.80	51,688
Marano	\$ 461,068.00	52,943
Fresh Link	\$ 407,698.50	32,916

	\$ 6,969,054.20	52%	684,073	50%
104 Customers	\$ 13,401,434.44		1,377,354	
20 over 100,000				

2014

Fresh Start	\$ 1,408,137.00	121,596
Custom Pak	\$ 1,224,644.20	108,039
Jetro	\$ 1,053,468.31	89,442
Loblaw	\$ 1,000,239.05	57,805
Pero	\$ 904,776.25	62,442
Tavilla	\$ 601,386.52	48,454
Colace	\$ 599,982.55	35,293
Darrigo	\$ 554,706.43	51,883
Windsor	\$ 465,614.50	38,628
G&G	\$ 383,700.19	34,311

	\$ 8,196,655.00	51%	647,893	49%
109 Customer	\$ 15,948,281.23		1,321,332	
29 over 100,000				

2015

Fresh Start	\$ 1,670,085.70	208,698
Windsor	\$ 1,098,421.50	109,912
Jetro	\$ 1,039,566.45	137,791
Pero	\$ 919,028.21	67,441
Darrigo	\$ 679,922.10	94,265
Wyco	\$ 614,488.04	64,324
RAM	\$ 544,210.40	49,170
Loblaw	\$ 476,457.30	32,451
L&M	\$ 452,303.80	32,198
G&G	\$ 442,995.28	52,749

	\$ 7,937,478.78	45%	848,999	44%
129 Customers	\$ 17,569,497.25		1,956,225	

Exhibit C Page 3 of 3

CLMT0018

41 Over 100,000

	2016			
Jetro	\$ 1,344,281.84		172,637	
Windsor	\$ 984,336.00		98,020	
Trinity	\$ 840,859.00		110,271	
Loblaw	\$ 715,650.60		46,140	
Tavilla	\$ 623,814.75		65,834	
Pero	\$ 622,599.50		53,548	
Colace	\$ 619,841.60		50,306	
Wyco	\$ 520,512.00		54,096	
L&M	\$ 481,958.60		45,207	
Darrigo	\$ 443,337.10		55,950	
	\$ 7,197,190.99	44%	752,009	42%
114 Customers	\$ 16,193,305.54		1,787,283	
39 over 100,000				

CLMT0019

Salesman Settlement -

On Collected Sales as of:

4/26/17

Salesman Name:

Jeff Stepanovich

Growing Year:

2016 (Final with exceptions)

Spring 1% of Net Collected	92,111.24
Spring Brokered Product 50% of Net Collected	2,085.20
Fall 1% of Net Collected	78,069.12
Fall Brokered Product	2,350.34
Total	174,615.90
2016 Salary Paid	in 2016 162,500.00 in 2017 7,000.00
Mileage Paid	
Total Due	5,115.90

Exceptions:

Aite Pak 11682, 12505, 11871.1, 13051

Loblaws 12444.1

Wholesale Produce 13464

Exhibit E Page 1 of 2

CLMT0020

Ken

Thought I would try to get some clarification on our conversation from yesterday. Would just like to put some things on the table for discussion. I am not trying to be confrontational, just a lot was thrown out there yesterday so trying to get a grasp on how this will move forward. Based on what you said this change is due to the fact the farm is losing money. So if the farm makes money moving forward, due we get an opportunity to go back to our 1%.

Or is there just a max number that you don't think we should ever make more than. I remember once you said you wished your sales guys could make \$2 million a year.

Since 2011 we have grown sales as the farm has grown additional product. We do not get the advantage of knowing when the farm makes or loses money. All we can do is respond to what the farm decides to do in how many acres you plant and what you put in the ground. We really have little opportunity for any input. The industry is changing in terms of usage, for example Jumbo Pepper has been selling all winter for \$2 a box less than XL and XXL. But will the farm look at this type of input or just worry about yield and box count?

Is this new person going to bring a book of business with them, to actually hit the ground running? Or are the three of us going to subsidize a new person for the next year or two as they learn the business.

Does this mean, no matter if you hire someone today or not, the new pay structure takes place retro back to the start of this season. Or does it happen only once you bring a new person on? And then if the new person does not work out, do we go back to 1%.

Since we are going to lose 25% of are pay, that maybe now we can get paid once money is collected and not when ever. And since we will have to try to make some of this money back, can we get some time period on how we will be paid our brokerage once it is collected. If not monthly then at least quarterly. And it would be nice to know what we are actually paid on both invoice wise as well as brokerage with each pay check.

Exhibit E 2 of 2

CLMT0021

As we talked yesterday, it sounds like you have already made up your mind. So any details you can provide us would be appreciated.

I am sure more questions might arise as things fall into place, you had said you wanted to talk further about this so I just wanted to try to get some clarification on some things. I would guess the other two would have questions as well, and with Jed on the road it has been hard to talk much with him much today.

Also, just from a logistics perspective, if we have 4 sales people, then KCF will need to do something about the phone system since it only has 4 lines, as well as I know we just changed Famous to 7 users, so that will need to be added to as well.

CLMT0022

June 7, 2018

VIA MAIL AND EMAIL TO TAL.HARRELL@EEOC.GOV

Taj Harrell
Employment Investigator
U.S Equal Employment Opportunity Commission
7391 Hodgson Memorial Drive, Suite 200
Savannah, GA 31406

**Re: Stepanovich, Jeff v. Ken Corbett Farms, LLC.
EEOC Charge No. 415-2017-00814**

Dear Investigator Harrell:

As you are aware, this firm represents Mr. Jeff Stepanovich in the above-captioned matter. In response to the respondent's position statement, Mr. Stepanovich states as follows:

Paragraphs 1 and 2

Mr. Corbett is correct. I did not have a written employment contract, only verbal. My employment compensation was changed by Mr. Corbett over our original agreement, again not in writing.

Some background:

Ken Corbett Farms came to Immokalee looking for a new sales company to sell their product. At that time, I was working for Florida Specialties, Inc. I met with Ken Corbett and his son Justin Corbett. We worked out a sales agreement for Florida Specialties to sell their product under a typical sales agreement of 6%. This agreement was in place for roughly two years. I had left Florida Specialties when Ken approached me to take part of his production and market it for Ken Corbett Farms, with the caveat that I teach his future son in law, Eric Bolesta, the business. I agreed. Eric had graduated college and wanted to get into the business. At that time, I was offered a salary plus commission. I informed Ken once he brought me on board, more than likely, Florida Specialties would not be happy because they were no longer getting KCF's entire production and would

CLMT0023

terminate their agreement with KCF. I also informed him if this did happen we needed to be prepared to bring on another sales person to handle the large amount of product. This came to fruition and Jed Hunter was added to the sales staff. Eric Bolesta had No customers when he started to sell at KCF. Jed had a customer base he brought with him as did I, which was developed while selling product through Florida Specialties. I gave Eric most of his customers from my client base I brought with me from Florida Specialties. This is very unusual for a sales person to give up customers as I did. The reason behind this was, compensation was set up so that all three salesmen would be paid the same commission no matter who sold the product. Plus, at this time, I had my base salary in addition to the commission.

I asked to be considered a subcontractor. KCF insisted I become an employee, thus making me pay Georgia income taxes. I, personally, had to cover all living expenses for each season in Georgia. This was everything including cell phones, laptops, anything that was used in doing business for KCF. There were no "employee benefits" provided to employees. Also, as an employee, there was no year-round income and thus I had to have a second job because I was not compensated during the Off Seasons. As KCF continued to grow more and more product, this allowed us to make more commission and at about year two, Ken told me he was discontinuing my salary portion of compensation, no discussion and no negotiation!

Paragraph 3

At no point were farm losses "ever" discussed with the sales staff. The only statements we heard were "we lost money". Anyone in the business knows farmers always lose money! As they continue to put profits into more land etc. There was never a discussion with us as a sales staff about this.

Regarding sales performance from 2011-2017: Since I do not have access to the numbers Mr. Corbett is using, I can only go by what I know from previous numbers that I pulled over the years. I would like to see how he came up with the 49 cents per package as well as the 71 cents per package. Is this a number they came up with for total sales or individual?

If you were to look at the actual accounts through the years for each of us, you'd see why the "sales performance" numbers aren't really true numbers. As stated before, Eric had no clients, Jed brought some customers from his previous job and I brought all of the customers that were being sold KCF product through Florida Specialties, then shared these customers with my fellow sales team.

CLMT0024

I have included some numbers from a document that I used while at KCF to share with the sales staff that would allow us to see where things stood over the years. The joke was always "I was tired of making the two of them money and now it was their turn to pay me". The idea was at some point we would all carry somewhat of an equal load. This is how it was set up. In this business, we're not making something, but growing it! Quality dictated what customers certain product could go to. A retailer would get only the best quality and then we'd have lower end customers to move product that was lower grade. Looking at where Mr. Corbett based his percentages isn't an easy thing to do in this business. The large increase you see with his numbers I question. As you can see from my numbers, I'm not sure how he's doing the math.

Regarding abandoning KCF, I have no idea where that came from. I have always overlapped with two jobs as there never was an end date when a crop would be finished. One year we could finish pepper the first of December, the following year, pick the week of Christmas. So.... this is normal, and I always sold the product until the very end! I may not have been sitting in the Georgia office but was still selling for KCF. This was never an issue that he or anyone at KCF discussed with me.

Paragraph 4

Commitment to the company: When I was in Georgia, no one put in more hours at that facility than I did. I would work every night and help shipping with receiving and loading trucks. After Ken took away my salary, he told me the only thing he wanted me to do was sell, so I began not staying as late night as before. Instead of working until midnight every night, I would leave around 7 or 8pm. The other two salesmen had families there so would go home earlier. Again, commitment to KCF was never brought up as an issue!

The entire timeframe leading up to the day I was fired, never had a mention of any of the things he's listed in his Position Statement. None of these items were Ever brought to my attention. On Monday before I was let go, Ken informed Eric, Jed and me, that he was bringing on a new sales person. He also said that due to the losses KCF had, the three of us would pay for the new sales person by taking 1/4% or 25% from each sales staff member's compensation. The following day, Tuesday, I sent an email to Ken. A copy is attached as "Exhibit E" to this document. This email had questions regarding the future new sales person and compensation, etc.

Wednesday morning Ken called and fired me. No cause on his part. "It was his decision and no one else's". My guess is he said this to me because not even a week before, his son Justin, told me not to worry about my illness and if I needed time, my chair would be there.

CLMT0025

This was a running joke as none of us ever really had much contact from the Corbett's during the off season. If we showed up and our chair was there we had a job. Ha-ha! By the way, chairs were not provided to the staff, we had to purchase them.

How does it go from Monday, adding a sales person that current sales team is paying for to me being fired for all these stated reasons?? I fully believe he fired me because of illness and always will.

Paragraph 5

I set up my entire treatment program based on my job with KCF. I pushed my surgery out against my wife's wishes. She wanted me to have the cancer removed sooner than later. I convinced my surgeon as well, so it wouldn't affect my job. Again, I did all of this because I WAS loyal to KCF. I guess looking back was kind of foolish on my part.

Paragraph 6

The sales person that was going to be hired per the information we, (sales staff), were given from Ken (before the firing), was never hired. Also, he had no experience in the business. Eventually, they did add a sales person, but he did not have the same responsibility I had, he wasn't selling from the "pile" in Georgia. With regard to brokering, the three of us tried to broker but got resistance from Mrs. Corbett. After that, Jed Hunter created his own company so that he could broker on his own. This was not part of our job, we tried to do it to help move product that was produced from KCF but got resistance from the accounting department, they didn't want the extra paperwork.

Paragraph 7

Commitment: Such an easy word for him to use. You could see his commitment to His sales team. If you need a chair, then go buy one! If you need a laptop, you better bring your own! You are on call 24/7 but we don't supply cell phones or anything else! My commitment was to help them build a company which I believe I did - from \$1,000,000 a year to a \$20,000,000 a year company in 6 years. Leaving my home and living in Georgia for 4-5 months a year. Never was the subject even brought up to me.

Paragraph 8

CLMT0026

Without reviewing any reports, it's very difficult for me to dispute numbers. I can only go by what I have included in this response as to what I had pulled over the years.

Furthermore, in response to Mr. Corbett's letter, I'd like to give some additional details about KCF that may make his numbers make more sense.

Before the Corbett's hired Florida Specialties, in which I negotiated the deal for, there was No KCF brand or label. They packed all products they grew in generic boxes with no label or way to promote their farm. When they came to Florida Specialties there was a discussion of KCF packing their product in a Florida Specialties label, the owners of Florida Specialties declined to do that not knowing quality of product. So, for the first time KCF developed their own label and Florida Specialties began to sell and market it for KCF. KCF had No customer base. They had one previous relationship with Pero Farms as they had grown some product for Pero to market in the past and that's about it. Moving forward to 2011, Ken started his own sales team. The customers were brought to KCF by me and Jed Hunter. Eric Bolesta had never sold before therefore he had no customer base. As the new sales team was set up, the agreement was for all 3 of the sales team to be paid the same commission base of 1% each. Jed and I both knew we'd be carrying Eric for a few years until he developed, but unlike most new sales rep's, Eric was given several good customers to work with from myself and Jed therefore allowing Eric to start ahead of the game as far as making his own contacts, setting up his own accounts, in the beginning. At some point the ideal scenario was to be each of the three of us would carry roughly 33% of the pile. Obviously, this is not real world and especially in the produce business as the product we are selling isn't manufactured but grown so.... Mother Nature has a huge impact on what customers can take and what product they desire.

For Mr. Corbett to use some of the numbers he used in his Position Statement, they were very simplistic and not indicative of actual truth. I guess this was meant to make me look bad.

Produce customers are unique. You've got Retail, who takes only the Top-Grade product. You have Wholesalers who take High to Mid-Range product, and then you have the Cheaper clients who only use the Low-End product. If Retail is paying \$14/box for a jumbo pepper, the low of that same product but with "color or defects" sells for \$6/box. Without Mr. Corbett identifying everything that was sold and using a gross average, this doesn't work in this regard.

Attached are some pages that I've labeled Exhibits A, B, C, etc. These are copies of informal numbers and customers I had put together at the end of each year for the sales team to look at and get an idea where we stood and to help us review our customer base and decide on any changes. These memos were put together by me from information taken

CLMT0027

out of our FAMOUS software. The numbers could change some as accounting manipulated things but in general they'd be accurate. Again, these attachments were done just for the three of us on the sales team, not used for anything else.

Exhibit A

This shows the sales number for each salesman from 2011 to 2016 along with the Total numbers that we sold, total number produced and packages that may have gone out as Cash. So yes, as you can see for 2016, Jed Hunter had a great year. This goes back to markets and product quality for that season. Jed moved a lot of product to New York in 2016 which was above average or normal.

Exhibit B Pages 1 and 2

This shows sales in packages and %, plus dollars and % for each season for each year. Again, the numbers are close and were used just for our benefit in the sales office. As mentioned before, all numbers do not show who was selling what "type" of product. I sold a lot of the lower grade product as I had those contacts to do that when we had lower quality product to sell.

Exhibit C Pages 1 to 3

This document shows the Top 10 Customers for each year. The number of customers we had sold for each year. The first page on top shows rough volume for years 2011 to 2016, with totals for dollars and packages. The hand-written numbers on the pages show my number of those Top 10 Customers and the % shows what they made up for sales Volume each year. I have to guess Ken could look at it and say my numbers were coming down but that was the point all along, balance between the three of us, equality in work performed, etc. You may have a good season depending on the crop conditions and which customers you had to sell to, that's why it worked well. I was never reprimanded or talked with about my numbers or performance, why?? I still believe I was fired for my illness, that he felt I may not be able to perform my duties and be in Georgia when he wanted. The funny thing about it is if that's the direction Ken goes, then Eric, his son in law was "always out of the office doing other things" and Jed and I covered for him. We never complained to management because we still got paid for it. We'd just give Eric a hard time about it in a joking way most of the time.

Bottom line, of the 224 customers that were sold over the years of my employment at KCF, the only customer they had a relationship with prior to me helping Ken open the sales office was with Pero.

CLMT0028

Exhibit D

Copy of the last statement from KCF.

This is an example of what each sales person would receive from accounting showing what we earned and anything outstanding, etc. This was done by Kim Corbett. We were never given any detail or backup as to how or what we were compensated on. We were to accept this and not question anything or she would get very upset and say something to Ken, then it would be an issue for us.

Exhibit E

This is the email I sent to Ken after our phone conversation Monday afternoon. I sent this the next day, which was Tuesday, fired on Wednesday.

If you need anything further, please let me know. I still feel he's making the numbers the way he's provided to "justify" firing me. I asked him on the phone the day he fired me for a reason, he said he didn't have a reason, he just was and that it was his decision and his alone.

Obviously, I believe I was fired due to my illness as nothing else was ever discussed or presented to me in those years employed by Ken Corbett Farms. I still feel to this day it was because of my cancer, otherwise why did he wait until he found out about it? Also, why did he wait to fire me if I was such a poor performing employee?

We thank you for your time, and for investigating these issues thoroughly. Please do not hesitate to contact us should you have further questions or concerns.

Best regards,

Robert Pecchio, Esq.
Richard Celler, Esq.

Enclosure with EEOC
Form 161 (11/16)

CLMT0030

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** – not 12/1/10 – in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

CLMT0031

NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA): The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

“Actual” disability or a “record of” a disability (note: if you are pursuing a failure to accommodate claim you must meet the standards for either “actual” or “record of” a disability):

- The limitations from the impairment no longer have to be severe or significant for the impairment to be considered substantially limiting.
- In addition to activities such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, reading, bending, and communicating (more examples at 29 C.F.R. § 1630.2(i)), **“major life activities” now include the operation of major bodily functions**, such as: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; or the operation of an individual organ within a body system.
- **Only one** major life activity need be substantially limited.
- With the exception of ordinary eyeglasses or contact lenses, **the beneficial effects of “mitigating measures”** (e.g., hearing aid, prosthesis, medication, therapy, behavioral modifications) **are not considered** in determining if the impairment substantially limits a major life activity.
- An impairment that is **“episodic”** (e.g., epilepsy, depression, multiple sclerosis) or **“in remission”** (e.g., cancer) is a disability if it would be **substantially limiting when active**.
- An impairment **may be substantially limiting even though** it lasts or is expected to last **fewer than six months**.

“Regarded as” coverage:

- An individual can meet the definition of disability if an **employment action was taken because of an actual or perceived impairment** (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).
- “Regarded as” coverage under the ADAAA no longer requires that an impairment be substantially limiting, or that the employer perceives the impairment to be substantially limiting.
- The employer has a defense against a “regarded as” claim only when the impairment at issue is objectively **BOTH** transitory (lasting or expected to last six months or less) **AND** minor.
- A person is not able to bring a failure to accommodate claim *if* the individual is covered only under the “regarded as” definition of “disability.”

Note: Although the amended ADA states that the definition of disability “shall be construed broadly” and “should not demand extensive analysis,” some courts require specificity in the complaint explaining how an impairment substantially limits a major life activity or what facts indicate the challenged employment action was because of the impairment. Beyond the initial pleading stage, some courts will require specific evidence to establish disability. For more information, consult the amended regulations and appendix, as well as explanatory publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

JEFFREY STEPANOVICH,

Plaintiff,

CASE NO.:

vs.

**KEN CORBETT FARMS, LLC,
A GEORGIA LIMITED
LIABILITY COMPANY,**

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, JEFFREY STEPANOVICH ("Mr. Stepanovich" or "Plaintiff"), by and through his undersigned counsel, and hereby files suit against the Defendant, KEN CORBETT FARMS, LLC, A Georgia Limited Liability Company ("KCF" or "Defendant"), and alleges the following:

1. Plaintiff brings these claims for disability discrimination against Defendant for its unlawful termination of Plaintiff based upon his disability, or "perceived disability," in violation of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.* ("ADA"). Plaintiff is seeking damages including back pay, front pay, compensatory damages, punitive



damages, and his attorneys' fees and costs.

JURISDICTION

2. The Court has original jurisdiction over Plaintiff's ADA claims pursuant to 28 U.S.C. § 1331 as they arise under 42 U.S.C. § 12101 *et seq.*

VENUE

3. Venue is proper because Defendant conducts substantial business in Echols County, Georgia and Plaintiff worked for Defendant in Echols County, Georgia, where the actions at issue took place.

PARTIES

4. Plaintiff suffers from a disability as defined by the ADA.

5. Plaintiff is protected by the ADA because:

a. Plaintiff was a disabled or "perceived as disabled" employee who suffered discrimination because of his disability or "perceived disability" by Defendant; and

b. Plaintiff suffered an adverse employment action as a result of his disability or "perceived disability."

6. Defendant was at all material times an "employer" as envisioned and defined by the ADA.

CONDITIONS PRECEDENT

7. Plaintiff, on or about August 2, 2017, filed a charge of

discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”) against Defendant.

8. On September 17, 2018, the EEOC mailed Plaintiff a Notice of Right to Sue, giving Plaintiff the right to bring a civil action on his claims within 90 days of his receipt of same.

9. Plaintiff timely files this action within the applicable period of limitations against Defendant.

10. All conditions precedent to this action have been satisfied and/or waived.

GENERAL ALLEGATIONS

11. Mr. Stepanovich worked as a Salesman at KCF from April 2011, until his termination on April 26, 2017.

12. Mr. Stepanovich was an excellent employee who had no significant history of disciplinary, performance, or attendance issues.

13. On March 10, 2017, Mr. Stepanovich disclosed to KCF management that he had been diagnosed with Prostate Cancer, and necessitated surgery for same.

14. Approximately one month later, Mr. Stepanovich was terminated.

15. Plaintiff was told he was terminated for “economic reasons.”

16. Yet, just prior to his termination, Defendant's owner, Ken Corbett, expressed his intention to hire a 4th salesman to KCF based on business need.

17. KCF saw Mr. Stepanovich's disability as an opportunity to get rid of an employee because it perceived/regarded him as disabled and/or based on his disability

18. Mr. Stepanovich's Cancer diagnosis is a protected disability under the ADA. *See* 42 U.S.C. § 12102.

19. KCF's actions unquestionably constitute disability discrimination in violation of the ADA.

20. The ADA requires an employer to provide its ADA protected employees with a reasonable accommodation unless doing so would impose an undue hardship.

21. This accommodation requirement includes providing an employee with leave to treat his disability.

22. Instead of accommodating Mr. Stepanovich's leave request, as the law requires, KCF discarded a loyal and highly productive employee because it decided that the protective provisions of the ADA could be casually disregarded.

23. Given the timing and circumstances leading to Mr.

Stepanovich's termination, KCF's actions unquestionably constitute disability discrimination in violation of the ADA.

24. Mr. Stepanovich is an individual who, with minimal accommodation, was fully capable of performing the essential functions of his job.

25. By reason of the foregoing, Defendant's actions, and non-actions, affected the "terms, conditions or privileges" of Plaintiff's employment as envisioned by the ADA.

26. Alternatively, Defendant perceived Plaintiff as being "disabled," and therefore, unable to perform the essential functions of his position, despite the fact that Plaintiff could perform same with a reasonable accommodation.

27. Pleading in the alternative, Plaintiff's impairment did not substantially limit a major life activity, but was treated by Defendant as if it did.

28. Pleading in the alternative, Plaintiff's medical condition constituted an impairment that limited a major life activity only because of Defendant's attitude toward the impairment.

29. Defendant does not have a non-discriminatory rationale for terminating Plaintiff's employment.

30. Plaintiff was a disabled individual, or otherwise perceived as disabled by Defendant, during his employment. Therefore, he is the member

of protected classes as envisioned by the ADA.

31. Plaintiff suffered sufficiently severe and pervasive treatment, and ultimate termination, because of his disability and/or “perceived disability,” and request for accommodation regarding same.

COUNT I: DISABILITY DISCRIMINATION- ADA

32. Plaintiff realleges and adopts the allegations contained in paragraphs 1-31 as if fully set forth in this Count.

33. The acts of Defendant, by and through its agents and employees, violated Plaintiff’s rights against disability discrimination/harassment under the ADA.

34. The discrimination to which Plaintiff was subjected was based on his disability and/or “perceived disability.”

35. The conduct of Defendant, its agents, and employees proximately, directly, and foreseeably injured Plaintiff, including, but not limited to, lost wages and benefits, future pecuniary losses, emotional pain and suffering, humiliation, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

36. The conduct of Defendant was so willful and wanton, and in such reckless disregard of the statutory rights of Plaintiff, as to entitle him to an award of punitive damages against Defendant to deter it, and others, from such conduct

in the future.

37. Plaintiff is entitled to recover reasonable attorneys' fees and litigation expenses pursuant to the ADA.

38. Plaintiff has no plain, adequate or complete remedy at law for the actions of Defendant, which have caused, and continue to cause, irreparable harm.

REQUEST FOR RELIEF AS TO COUNT I

WHEREFORE, Plaintiff prays that this Court will:

- a. Issue a declaratory judgment that the discrimination against Plaintiff by Defendant
was a violation of Plaintiff's rights under the ADA;
- b. Require that Defendant make Plaintiff whole for his losses suffered as a result of
the discrimination through reinstatement, or, if that is not practical, through an award of front pay;
- c. Grant Plaintiff a judgment against Defendant for damages, including punitive damages;
- d. Award Plaintiff his reasonable attorney's fees and litigation expenses against

Defendant pursuant to the ADA.

e. Provide any additional relief that this Court deems just.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated this 9th day of November 2018.

Respectfully submitted,

/s/ Carlos V. Leach

Carlos V. Leach, Esq.

The Leach Firm, P.A.

1950 Lee Rd., Suite 213

Winter Park, FL 32789

Telephone: (407) 574-4999

Facsimile: (833) 423-5864

Email: cleach@theleachfirm.com

Georgia Bar No.: 488443 _____

JS 44 (Rev. 11/15)

Case 7:18-cv-00186-HL Document 1-1 Filed 11/09/18 Page 1 of 2

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
JEFFREY STEPANOVICH**DEFENDANTS**
KEN CORBETT FARMS, LLC, A GEORGIA LIMITED LIABILITY COMPANY(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)
Carlos Leach, Esq. - The Leach Firm, P.A. 1950 Lee Rd, Suite 213,
Winter Park, FL 32789 407-574-4999

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
American's With Disabilities ActBrief description of cause:
disability discrimination**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.**DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
11/09/2018SIGNATURE OF ATTORNEY OF RECORD
s/ Carlos Leach**FOR OFFICE USE ONLY**

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. **Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

CASE NO.: 7:18-cv-186 (HL)

JEFFREY STEPANOVICH,

Plaintiff,

vs.

KEN CORBETT FARMS, LLC, A
GEORGIA LIMITED LIABILITY
COMPANY,

Defendant.

PLAINTIFF'S ANSWERS TO DEFENDANT'S
FIRST SET OF INTERROGATORIES

Plaintiff, JEFREY STEPANOVICH, by and through his undersigned counsel, pursuant to the Local Rules for the Middle District of Georgia and the Federal Rules of Civil Procedure, hereby serves his Answers to Defendant's First Set of Interrogatories.

Dated: July 10, 2019.

Respectfully submitted,

By:/s/ Noah E. Storch

Noah E. Storch, Esq.

Florida Bar No. 0085476

RICHARD CELLER LEGAL, P.A.

10368 West State Road 84, Suite 103

Davie, Florida 33324

Telephone: (866) 344-9243 x111

Facsimile: (954) 337-2771

Email: noah@floridaovertimeattorney.com

Counsel for Plaintiff



CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2019, I sent the foregoing via E-mail to:

Jeffrey D. Mokotoff, Esq.
FORD & HARRISON, LLP
271 17th Street, NW
Suite 1900
Atlanta, Georgia 30363
Telephone: (404) 888-3821
Facsimile: (404) 888-3863
Email: jmokotoff@fordharrison.com

Counsel for Defendant

/s/ Noah E. Storch
Noah E. Storch, Esq.

PLAINTIFF'S ANSWERS TO INTERROGATORIES

1. Identify each source of your income including, but not limited to, salaries, wages, commissions, payments from disability insurance, social security disability payments, proceeds from self-employment, gifts, loans, and/or unemployment compensation from 2011 to present. State the following with regard to each source of income:

- (a) the source of the income, or payments, including, but not limited to, the name, address, and telephone number of any employer;
- (b) the services rendered by you, if any, to acquire such income;
- (c) the dates for which you received the earnings or payments referred to in this interrogatory; and
- (d) the total amount of income or payments received from each such source and, if payments are continuing, the date through which you estimate such payments will continue.

ANSWER:

Plaintiff was employed by Defendant from April 2011 through his termination on April 26, 2017.

2011 KCF Gross \$128,775.00	Growers Direct Gross \$38,250.00
2012 KCF Gross \$153,369.52	Growers Direct Gross \$40,840.50
2013 KCF Gross \$143,1560.41	Growers Direct Gross \$33,340.00
2104 KCF Gross \$154,269.97	Unemployment: \$3,850.00
2015 KCF Gross \$164,933.50	Enterprise HR (Big Red) Gross \$37,500.00
2016 KCF Gross \$180,990.53	Windsor Distributing Gross \$25,608.32
2017 KCF Gross \$12,837.07	Windsor Distributing Gross \$58,190.07
2017 Unemployment income from 7/24 to 9/28 State of Georgia	\$4,220.00
2018 Windsor Distributing \$14,796.03	Florida Specialties Gross \$120,126.27
2019 Florida Specialties through 6/11	Gross \$72,647.78

Growers Direct is out of Business

Big Red Tomato is out of Business

Windsor Distributing 5495 Bryson Drive, Suite 401 Naples FL 34109

Phone:800-565-9500

Florida Specialties 601 E Main St, Immokalee FL 34142; Phone:239-657-2227

2. Identify each and every employer or other entity for whom you have performed work since the cessation of your employment with KCF until the time of trial of this matter, including whether you were self-employed, or any periods of time in which you claim you could not work. With respect to each such employer or entity, state the name and address, the dates of employment or association, your position with each employer or entity, the time periods during which you held each position, the identity of all individuals who supervised your work, your annual salary or hourly wage, whether you took a leave of absence while employed by that employer and the reason for the leave, and the reason(s) for cessation of employment, if applicable, with respect to each position.

ANSWER: Please see Plaintiff's answer to Interrogatory No. 1. As of October of 2017, Plaintiff went to work for Windsor Distributing as a broker as no other opportunities had come up. Plaintiff worked for the owner, Jon Karalekas. Plaintiff worked with Windsor until he went to work for Florida Specialties in March 2018. At Florida Specialties, Plaintiff was given a salary and commission sales position. Plaintiff holds this job at the present time and his supervisor is Jake Davis (General Manager).

3. Identify any applications or inquiries you have made for employment of any kind since January 1, 2017, including the type or form of such application or inquiry; the date of such application or inquiry; the name, address, and telephone number of the prospective employer to whom such application or inquiry was made; the person to whom you spoke or with whom you had contact concerning possible employment; and whether you received an offer of employment.

ANSWER: Plaintiff filed for unemployment in the State of Georgia. Plaintiff does not have a list of all jobs he applied for, however, Plaintiff believes the State of Georgia is in possession, custody, and/or control of such documents.

4. State whether you have ever been convicted of a crime, whether misdemeanor or felony (excluding minor traffic citations) and regardless of whether such conviction has since been expunged from your record; the crime of which you were convicted; the date(s) of the conviction(s) and the related charge(s) and arrest(s); the jurisdiction(s) where he was convicted; and the facts surrounding the conviction(s), including whether you were imprisoned at any time and, if so, when and where.

ANSWER: No.

5. State whether you took any notes, kept a diary, calendar, recording, or any other form of record, or wrote any summary of events relating to any facts alleged in your Complaint or otherwise pertaining to his claims alleged therein.

ANSWER: Plaintiff objects to Interrogatory No. 5 on the grounds that it seeks information and/or documentation that is protected by the attorney-client privilege and/or the work-product doctrine.

6. Identify all e-mail accounts and usernames for any social networking sites (*i.e.*, Facebook, Instagram, LinkedIn, or Twitter) you've used since 2011.

ANSWER: Plaintiff objects to Interrogatory No. 6 on the grounds that it is overly broad, and not limited to the proportionate needs of the case. Subject to, and without waiving the foregoing, Plaintiff does not have any social media accounts.

7. Identify any and all physical or psychiatric injuries, conditions, or illnesses from which you have suffered since 2011, including identification of the period of injury, condition or illness, treating health care providers (including name and address and telephone number) and any prescription medication for such injury, condition or illness.

ANSWER: Plaintiff objects to Interrogatory No. 7 on the grounds that it is overly broad and not limited to the proportionate needs of the case. Subject to, and without waiving the foregoing, Plaintiff underwent surgery for prostate cancer in June 2017.

8. Please state whether you have ever been a party to a lawsuit, including any bankruptcy proceeding. If so, please identify the style of each case to include names of parties, the specific court in which the action was brought; the case number; the nature and subject matter of the case; and the outcome.

ANSWER: None.

9. Identify all damages you allege to have suffered as a result of KCF's alleged unlawful conduct. For each category of damages, identify the category itself, the damages, all facts supporting or establishing your entitlement to the category of damages and how you calculated your damages.

ANSWER: This estimate is prepared by Plaintiff's counsel. Plaintiff seeking back pay from the date of trial, through his termination. Plaintiff is seeking a declaratory judgment that the discrimination against him by Defendant was a violation of his rights under the ADA; and is seeking punitive damages, front pay, and compensatory damages, as well as attorneys' fees and costs.

a Employee's social security number 374-58-7002		OMB No. 1545-0008		This information is being furnished to the Internal Revenue Service. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.	
b Employer identification number (EIN) 20-8157287		1 Wages, tips, other compensation 153769.52		2 Federal income tax withheld 38215.00	
c Employer's name, address, and ZIP code KEN CORBETT FARMS LLC 972 HIGHWAY 376 LAKE PARK, GA 31636		3 Social security wages 110100.00		4 Social security tax withheld 4624.20	
		5 Medicare wages and tips 153769.52		6 Medicare tax withheld 2229.66	
		7 Social security tips		8 Allocated tips	
d Control number		9		10 Dependent care benefits	
e Employee's name, address, and ZIP code JEFFREY STEPANOVICH 10651 REGENT CIRCLE NAPLES, FL 34109		11 Nonqualified plans		12a See instructions for box 12	
		13 Statutory employee <input type="checkbox"/> Retirement plan <input type="checkbox"/> Third-party sick pay <input type="checkbox"/>		12b	
		14 Other		12c	
				12d	
15 State Employer's state ID number GA 3043045-YL	16 State wages, tips, etc. 153769.52	17 State income tax 8709.02	18 Local wages, tips, etc.	19 Local income tax	20 Locality name

Form W-2 Wage and Tax Statement
2012
 Copy C—For EMPLOYEE'S RECORDS (See Notice to Employee on the back of Copy B.)

Department of the Treasury—Internal Revenue Service

Safe, accurate,
FAST! Use

Safe, accurate, FAST! Use		Visit the IRS Web Site at www.irs.gov/efile	
W-2		2012	
Employee Reference Copy		Statement	
Copy C for employee's records			
d Control number 000001	Dept. RD/EXY	Corp. A	Employer use only 1
c Employer's name, address, and ZIP code GROWERS DIRECT LLC 134 S DIXIE HIGHWAY SUIT HALLENDALE, FL 33009			
Batch #95096			
e Employee's name, address, and ZIP code JEFFREY J STEPANOVICH 10651 REYENT CIRCLE NAPLES, FL 34109			
b Employer's FED ID number 27-1109318	a Employee's SSA number 374-58-7002		
1 Wages, tips, other comp. 40840.00	2 Federal income tax withheld 4543.56		
3 Social security wages 40840.00	4 Social security tax withheld 1715.28		
5 Medicare wages and tips 40840.00	6 Medicare tax withheld 592.18		
7 Social security tips	8 Allocated tips		
9	10 Dependent care benefits		
11 Nonqualified plans	12a See instructions for box 12		
14 Other	12b		
	12c		
	12d		
13 Stat emp Ret. plan 3rd party sick pay			
15 State Employer's state ID no.	16 State wages, tips, etc.		
17 State income tax	18 Local wages, tips, etc.		
19 Local income tax	20 Locality name		

2012 W-2 and EARNINGS SUMMARY

This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

1. The following information reflects your final 2012 pay stub plus any adjustments submitted by your employer.

Gross Pay	40840.00	Social Security Tax Withheld	1715.28	State Income Tax	Box 17 of W-2
		Box 4 of W-2		Local Income Tax	Box 19 of W-2
Fed. Income Tax Withheld	4543.56	Medicare Tax Withheld	592.18	SUPSDI	Box 14 of W-2
Box 2 of W-2		Box 6 of W-2			

2. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

	Wages, Tips, other Compensation	Social Security Wages	Medicare Wages
	Box 1 of W-2	Box 3 of W-2	Box 5 of W-2
Gross Pay	40,840.00	40,840.00	40,840.00
Reported W-2 Wages	40,840.00	40,840.00	40,840.00

3. Employee W-4 Profile. To change your Employee W-4 Profile information, file a new W-4 with your payroll dept.

JEFFREY J STEPANOVICH
10651 REYENT CIRCLE
NAPLES, FL 34109

Social Security Number: 374-58-7002
 Taxable Marital Status: MARRIED
 Exemptions/Allowances:
 FEDERAL: 2

EXHIBIT *D-6*
 WIT: *Stepanovich*
 DATE: *1-23*
 Julie Lawrence, CCR

Form 1040 U.S. Individual Income Tax Return 2012		OMB No. 1545-0074	IRS Use Only — Do not write or staple in this space.																									
For the year Jan 1 - Dec 31, 2012, or other tax year beginning , 2012, ending , 20		See separate instructions.																										
Your first name and initial JEFFREY		Last name J STEPANOVICH																										
Your social security number 374-58-7002																												
If a joint return, spouse's first name and initial LORA		Last name D STEPANOVICH																										
Spouse's social security number 416-92-0689																												
Home address (number and street). If you have a P.O. box, see instructions. 10651 REGENT CIRCLE		Apartment no. ▲ Make sure the SSN(s) above and on line 6c are correct.																										
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). NAPLES FL 34109		Foreign province/state/county FL																										
Foreign country name NAPLES		Foreign postal code 34109																										
Presidential Election Campaign		Check here if you, or your spouse if filing jointly, want \$3 to go to this fund? Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse																										
Filing Status	1 <input type="checkbox"/> Single 2 <input checked="" type="checkbox"/> Married filing jointly (even if only one had income) 3 <input type="checkbox"/> Married filing separately. Enter spouse's SSN above & full name here . . . 4 <input type="checkbox"/> Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here . . . 5 <input type="checkbox"/> Qualifying widow(er) with dependent child																											
Check only one box.																												
Exemptions	6a <input checked="" type="checkbox"/> Yourself. If someone can claim you as a dependent, do not check box 6a b <input checked="" type="checkbox"/> Spouse c Dependents: <table border="1"> <thead> <tr> <th>(1) First name</th> <th>Last name</th> <th>(2) Dependent's social security number</th> <th>(3) Dependent's relationship to you</th> <th>(4) <input checked="" type="checkbox"/> child under age 17 qualifying for child tax or (see instrs)</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> If more than four dependents, see instructions and check here . . . <input type="checkbox"/> d Total number of exemptions claimed 2			(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> child under age 17 qualifying for child tax or (see instrs)																				
(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> child under age 17 qualifying for child tax or (see instrs)																								
Income	7 Wages, salaries, tips, etc. Attach Form(s) W-2 194,610. 8a Taxable interest. Attach Schedule B if required 8 b 9a Ordinary dividends. Attach Schedule B if required 9 b 10 Taxable refunds, credits, or offsets of state and local income taxes 1,936. 11 Alimony received 12 Business income or (loss). Attach Schedule C or C-EZ 13 Capital gain or (loss). Att Sch D if reqd. If not reqd, ck here <input type="checkbox"/> 14 Other gains or (losses). Attach Form 4797 15a IRA distributions 15 a b Taxable amount 15 b 16a Pensions and annuities 16 a b Taxable amount 16 b 17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E 38,761. 18 Farm income or (loss). Attach Schedule F 19 Unemployment compensation 20a Social security benefits 20 a b Taxable amount 20 b 21 Other income 22 Combine the amounts in the far right column for lines 7 through 21. This is your total income 235,307.																											
Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld. If you did not get a W-2, see instructions.																												
Enclose, but do not attach, any payment. Also, please use Form 1040-V.																												
Adjusted Gross Income	23 Educator expenses 23 24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ 24 25 Health savings account deduction. Attach Form 8889 25 26 Moving expenses. Attach Form 3903 26 27 Deductible part of self-employment tax. Attach Schedule SE 27 28 Self-employed SEP, SIMPLE, and qualified plans 28 29 Self-employed health insurance deduction 29 30 Penalty on early withdrawal of savings 30 31a Alimony paid b Recipient's SSN 31 a 32 IRA deduction 32 33 Student loan interest deduction 33 34 Tuition and fees. Attach Form 8917 34 35 Domestic production activities deduction. Attach Form 8903 35 36 Add lines 23 through 35 36 37 Subtract line 36 from line 22. This is your adjusted gross income 235,307.																											

BAA For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions.

FDIA0112 01/11/13

Form 1040 (2012)

Form 1040 (2012) JEFFREY J & LORA D STEPANOVICH		374-58-7002 Page 2	
Tax and Credits	38 Amount from line 37 (adjusted gross income)	38	235,307.
	39 a Check <input type="checkbox"/> You were born before January 2, 1948, <input type="checkbox"/> Blind. Total boxes checked <input type="checkbox"/> 39 a		
	if: <input type="checkbox"/> Spouse was born before January 2, 1948, <input type="checkbox"/> Blind. checked <input type="checkbox"/> 39 b		
Standard Deduction for —	b If your spouse itemizes on a separate return or you were a dual-status alien, check here <input type="checkbox"/> 39 b		
• People who check any box on line 39a or 39b or who can be claimed as a dependent, see instructions.	40 Itemized deductions (from Schedule A) or your standard deduction (see left margin)	40	44,635.
• All others: Single or Married filing separately, \$5,950	41 Subtract line 40 from line 38	41	190,672.
Married filing jointly or Qualifying widow(er), \$11,900	42 Exemptions. Multiply \$3,800 by the number on line 6d	42	7,600.
Head of household, \$8,700	43 Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0-	43	183,072.
	44 Tax (see instrs). Check if any from: a <input type="checkbox"/> Form(s) 8814 c <input type="checkbox"/> 962 election b <input type="checkbox"/> Form 4972	44	39,039.
	45 Alternative minimum tax (see instructions). Attach Form 6251	45	112.
	46 Add lines 44 and 45	46	39,151.
	47 Foreign tax credit. Attach Form 1116 if required	47	
	48 Credit for child and dependent care expenses. Attach Form 2441	48	
	49 Education credits from Form 8863, line 19	49	
	50 Retirement savings contributions credit. Attach Form 8880	50	
	51 Child tax credit. Attach Schedule 8812, if required	51	
	52 Residential energy credits. Attach Form 5695	52	
	53 Other crs from Form: a <input type="checkbox"/> 3800 b <input type="checkbox"/> 8801 c <input type="checkbox"/>	53	
	54 Add lines 47 through 53. These are your total credits	54	
	55 Subtract line 54 from line 46. If line 54 is more than line 46, enter -0-	55	39,151.
Other Taxes	56 Self-employment tax. Attach Schedule SE	56	
	57 Unreported social security and Medicare tax from Form: a <input type="checkbox"/> 4137 b <input type="checkbox"/> 8919	57	
	58 Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	58	
	59 a Household employment taxes from Schedule H	59 a	
	b First-time homebuyer credit repayment. Attach Form 5405 if required	59 b	
	60 Other taxes. Enter code(s) from instructions	60	
	61 Add lines 55-60. This is your total tax	61	39,151.
Payments	62 Federal income tax withheld from Forms W-2 and 1099	62	42,759.
If you have a qualifying child, attach Schedule EIC.	63 2012 estimated tax payments and amount applied from 2011 return	63	
	64 a Earned income credit (EIC)	64 a	
	b Nontaxable combat pay election <input type="checkbox"/> 64 b		
	65 Additional child tax credit. Attach Schedule 8812	65	
	66 American opportunity credit from Form 8863, line 8	66	
	67 Reserved	67	
	68 Amount paid with request for extension to file	68	
	69 Excess social security and tier 1 RRTA tax withheld	69	1,715.
	70 Credit for federal tax on fuels. Attach Form 4136	70	
	71 Credits from Form: a <input type="checkbox"/> 2439 b <input type="checkbox"/> Reserved c <input type="checkbox"/> 8801 d <input type="checkbox"/> 8885	71	
	72 Add lines 62, 63, 64a, & 65-71. These are your total pmts	72	44,474.
Refund	73 If line 72 is more than line 61, subtract line 61 from line 72. This is the amount you overpaid	73	5,323.
	74 a Amount of line 73 you want refunded to you. If Form 8888 is attached, check here <input type="checkbox"/> 74 a		5,323.
	b Routing number 067006432 c Type: <input checked="" type="checkbox"/> Checking <input type="checkbox"/> Savings		
	d Account number 1010012966943		
Direct deposit? See instructions.	75 Amount of line 73 you want applied to your 2013 estimated tax	75	
Amount You Owe	76 Amount you owe. Subtract line 72 from line 61. For details on how to pay see instructions	76	
	77 Estimated tax penalty (see instructions)	77	
Third Party Designee	Do you want to allow another person to discuss this return with the IRS (see instructions)? <input type="checkbox"/> Yes. Complete below. <input checked="" type="checkbox"/> No		
	Designee's name	Phone no.	Personal identification number (PIN)
Sign Here	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.		
Joint return? See instructions.	Your signature	Date	Your occupation
Keep a copy for your records.	Spouse's signature. If a joint return, both must sign.	Date	Spouse's occupation
	Print/Type preparer's name	Preparer's signature	Date
			Check <input type="checkbox"/> if self-employed
Paid Preparer Use Only	Firm's name	Firm's EIN	Phone no.
	Firm's address		

a Employee's social security number 374-58-7002		OMB No. 1545-0008				This information is being furnished to the Internal Revenue Service. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.			
b Employer identification number (EIN) 20-8157287		1 Wages, tips, other compensation 143150.41		2 Federal income tax withheld 30825.00					
c Employer's name, address, and ZIP code KEN CORBETT FARMS LLC 972 HIGHWAY 376 LAKE PARK, GA 31636		3 Social security wages 113700.00		4 Social security tax withheld 7049.40					
		5 Medicare wages and tips 143150.41		6 Medicare tax withheld 2075.68					
		7 Social security tips		8 Allocated tips					
d Control number		9		10 Dependent care benefits					
e Employee's name, address, and ZIP code JEFFREY STEPANOVICH 10651 REGENT CIRCLE NAPLES, FL 34109		11 Nonqualified plans		12a See instructions for box 12					
		13 Statutory employee <input type="checkbox"/> Retirement plan <input type="checkbox"/> Third-party sick pay <input type="checkbox"/>		12b					
		14 Other		12c					
				12d					
15 State Employer's state ID number GA 3043045-YL	16 State wages, tips, etc. 143150.41	17 State income tax 7953.70	18 Local wages, tips, etc.	19 Local income tax	20 Locality name				

Form **W-2** Wage and Tax Statement

Copy C—For EMPLOYEE'S RECORDS (See Notice to Employee on the back of Copy B.)

2013

Department of the Treasury—Internal Revenue Service

Safe, accurate,
FAST! Use



Safe, accurate, **IRS e-file** Visit the IRS Web Site at www.irs.gov/efile

W-2 Wage and Tax Statement **2013**

Control number Dept. Corp. Employer use only

00001 RD/NXY 1

Employer's name, address, and ZIP code
GROWERS DIRECT LLC
134 S DIXIE HIGHWAY SUIT
HALLENDALE, FL 33009

Batch #94154

f Employee's name, address, and ZIP code
JEFFREY J STEPANOVICH
0651 REYENT CIRCLE
NAPLES, FL 34109

Employer's FED ID number 27-1109318	a Employee's SSA number 374-58-7002
Wages, tips, other comp. 33340.00	2 Federal income tax withheld 3622.90
Social security wages 33340.00	4 Social security tax withheld 2067.08
Medicare wages and tips 33340.00	6 Medicare tax withheld 483.43
Social security tips	8 Allocated tips
	10 Dependent care benefits
1 Nonqualified plans	12a See instructions for box 12
	12b
	12c
	12d
	13 Stat emp Ret. plan 3rd party sick pay
5 State Employer's state ID no.	16 State wages, tips, etc.
7 State income tax	18 Local wages, tips, etc.
9 Local income tax	20 Locality name

2013 W-2 and EARNINGS SUMMARY



This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

1. The following information reflects your final 2013 pay stub plus any adjustments submitted by your employer.

Gross Pay	33340.00	Social Security Tax Withheld Box 4 of W-2	2067.08	State Income Tax Box 17 of W-2
Fed. Income Tax Withheld Box 2 of W-2	3622.90	Medicare Tax Withheld Box 6 of W-2	483.43	Local Income Tax Box 19 of W-2
				SUI/SDI Box 14 of W-2

2. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

	Wages, Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2
Gross Pay	33,340.00	33,340.00	33,340.00
Reported W-2 Wages	33,340.00	33,340.00	33,340.00

3. Employee W-4 Profile. To change your Employee W-4 Profile Information, file a new W-4 with your payroll dept.

JEFFREY J STEPANOVICH
10651 REYENT CIRCLE
NAPLES, FL 34109

Social Security Number: 374-58-7002
Taxable Marital Status: MARRIED
Exemptions/Allowances:
FEDERAL: 2

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— Fold and Detach Here —



Form 1040 (2013)

Form 1040 (2013)

Page 2

Tax and Credits**Standard Deduction for—**

• People who check any box on line 39a or 39b or who can be claimed as a dependent, see instructions.

• All others: Single or Married filing separately, \$6,100
Married filing jointly or Qualifying widow(er), \$12,200
Head of household, \$8,950

38	Amount from line 37 (adjusted gross income)	38	189,024.
39a	Check <input type="checkbox"/> You were born before January 2, 1949, if: <input type="checkbox"/> Spouse was born before January 2, 1949, <input type="checkbox"/> Blind. <input type="checkbox"/> Blind. Total boxes checked <input type="checkbox"/> 39a		
b	If your spouse itemizes on a separate return or you were a dual-status alien, check here <input type="checkbox"/> 39b		
40	Itemized deductions (from Schedule A) or your standard deduction (see left margin)	40	39,592.
41	Subtract line 40 from line 38	41	149,432.
42	Exemptions. If line 38 is \$150,000 or less, multiply \$3,000 by the number on line 6d. Otherwise, see instructions	42	7,800.
43	Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0-	43	141,632.
44	Tax (see instructions). Check if any from: a <input type="checkbox"/> Form(s) 8814 b <input type="checkbox"/> Form 4972 c <input type="checkbox"/>	44	27,266.
45	Alternative minimum tax (see instructions). Attach Form 6251	45	
46	Add lines 44 and 45	46	27,266.
47	Foreign tax credit. Attach Form 1116 if required	47	
48	Credit for child and dependent care expenses. Attach Form 2441	48	
49	Education credits from Form 8863, line 19	49	
50	Retirement savings contributions credit. Attach Form 8880	50	
51	Child tax credit. Attach Schedule 8812, if required	51	
52	Residential energy credits. Attach Form 5695	52	
53	Other credits from Form: a <input type="checkbox"/> 3800 b <input type="checkbox"/> 8801 c <input type="checkbox"/>	53	
54	Add lines 47 through 53. These are your total credits	54	
55	Subtract line 54 from line 46. If line 54 is more than line 46, enter -0-	55	27,266.

Other Taxes

56	Self-employment tax. Attach Schedule SE	56	214.
57	Unreported social security and Medicare tax from Form: a <input type="checkbox"/> 4137 b <input type="checkbox"/> 8919	57	
58	Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	58	
59a	Household employment taxes from Schedule H	59a	
b	First-time homebuyer credit repayment. Attach Form 5405 if required	59b	
60	Taxes from: a <input type="checkbox"/> Form 8959 b <input type="checkbox"/> Form 8960 c <input type="checkbox"/> Instructions; enter code(s)	60	
61	Add lines 55 through 60. This is your total tax	61	27,480.

Payments

If you have a qualifying child, attach Schedule EIC.

62	Federal income tax withheld from Forms W-2 and 1099	62	34,448.
63	2013 estimated tax payments and amount applied from 2012 return	63	
64a	Earned income credit (EIC)	64a	
b	Nontaxable combat pay election <input type="checkbox"/> 64b		
65	Additional child tax credit. Attach Schedule 8812	65	
66	American opportunity credit from Form 8863, line 8	66	
67	Reserved	67	
68	Amount paid with request for extension to file	68	
69	Excess social security and tier 1 RRTA tax withheld	69	2,067.
70	Credit for federal tax on fuels. Attach Form 4136	70	
71	Credits from Form: a <input type="checkbox"/> 2439 b <input type="checkbox"/> Reserved c <input type="checkbox"/> 8885 d <input type="checkbox"/>	71	
72	Add lines 62, 63, 64a, and 65 through 71. These are your total payments	72	36,515.

Refund

Direct deposit? See instructions.

73	If line 72 is more than line 61, subtract line 61 from line 72. This is the amount you overpaid	73	9,035.
74a	Amount of line 73 you want refunded to you. If Form 8888 is attached, check here <input type="checkbox"/>	74a	9,035.
b	Routing number <input type="text" value="067006432"/> c Type: <input checked="" type="checkbox"/> Checking <input type="checkbox"/> Savings		
d	Account number <input type="text" value="1010012966943"/>		
75	Amount of line 73 you want applied to your 2014 estimated tax	75	
76	Amount you owe. Subtract line 72 from line 61. For details on how to pay, see instructions	76	
77	Estimated tax penalty (see instructions)	77	

Third Party Designee

Do you want to allow another person to discuss this return with the IRS (see instructions)? ☐ Yes. Complete below. ☒ No

Designee's name	Phone no.	Personal identification number (PIN)
-----------------	-----------	--------------------------------------

Sign Here

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Joint return? See instructions. Keep a copy for your records.

Your signature	Date <input type="text" value="12/12/14"/>	Your occupation	Daytime phone number
Spouse's signature. If a joint return, both must sign.	Date <input type="text" value="12/12/14"/>	Spouse's occupation	If the IRS sent you an Identity Protection PIN, enter it here (see inst.)

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature Non-Paid Preparer	Date	Check <input type="checkbox"/> if self-employed	PTIN
Firm's name	Firm's EIN	Phone no.		
Firm's address				

a Employee's social security number 374-58-7002		OMB No. 1545-0008		This information is being furnished to the Internal Revenue Service. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.	
b Employer identification number (EIN) 20-8157287		1 Wages, tips, other compensation 154269.97		2 Federal income tax withheld 30170.00	
c Employer's name, address, and ZIP code KEN CORBETT FARMS LLC 972 HIGHWAY 376 LAKE PARK, GA 31636		3 Social security wages 117000.00		4 Social security tax withheld 7254.00	
		5 Medicare wages and tips 154269.97		6 Medicare tax withheld 2236.91	
		7 Social security tips		8 Allocated tips	
d Control number		9		10 Dependent care benefits	
e Employee's name, address, and ZIP code JEFFERY STEPANOVICH 1100 HOLIDAY LANE NAPLES, FL 34104		11 Nonqualified plans		12a See instructions for box 12	
		13 Statutory employee <input type="checkbox"/> Retirement plan <input type="checkbox"/> Third-party sick pay <input type="checkbox"/>		12b	
		14 Other		12c	
				12d	
15 State Employer's state ID number GA 3043045-YL	16 State wages, tips, etc. 154269.97	17 State income tax 6652.30	18 Local wages, tips, etc.	19 Local income tax	20 Locality name

Form **W-2** Wage and Tax Statement
Copy C—For EMPLOYEE'S RECORDS (See Notice to Employee on the back of Copy B.)

2014

Department of the Treasury—Internal Revenue Service

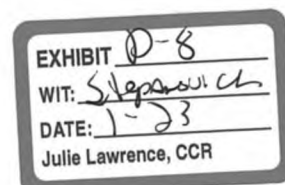
Safe, accurate,
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LW2EEC

a Employee's social security number 374-58-7002		b Employer's identification number 20-8157287		c Employer's name, address, and ZIP code KEN CORBETT FARMS LLC 972 HIGHWAY 376 LAKE PARK, GA 31636	
d Control number 1 A 9215-000		e Employee's first name and initial JEFFERY J. STEPANOVICH		f Employee's address and ZIP code 1100 HOLIDAY LN NAPLES, FL 34104	
1 Wages, tips, other compensation 15000.00		2 Federal income tax withheld 2208.18		3 Social security wages 15000.00	
4 Social security tax withheld 930.00		5 Medicare wages and tips 15000.00		6 Medicare tax withheld 217.50	
7 Social security tips 15000.00		8 Allocated tips 217.50		9 Advanced EIC payment	
10a See instructions for box 12		10b Dependent care benefits		10c Nonqualified plans	
11 Statutory employee <input type="checkbox"/> Retirement plan <input type="checkbox"/> Third-party sick pay <input type="checkbox"/>		12a Other		12b	
12c		12d		12e	
15 State Employer's state ID number GA 3043045-YL		16 State wages, tips, etc. 15000.00		17 State income tax 6652.30	
18 Local wages, tips, etc.		19 Local income tax		20 Locality name	

FOLD AND DETACH

W2 Employee Reference Copy
Wage and Tax Statement
Copy C for Employee's Records
2014



Form 1040		Department of the Treasury—Internal Revenue Service (99)		2014	OMB No. 1545-0074	IRS Use Only—Do not write or staple in this space.																										
For the year Jan. 1–Dec. 31, 2014, or other tax year beginning 2014, ending , 20																																
Your first name and initial JEFFREY J				Last name STEPANOVICH		Your social security number 374-58-7002																										
If a joint return, spouse's first name and initial LORA D				Last name STEPANOVICH		Spouse's social security number 416-92-0689																										
Home address (number and street). If you have a P.O. box, see instructions. 1100 HOLIDAY LN						Apt. no.																										
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). NAPLES FL 34104						Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse																										
Foreign country name				Foreign province/state/county		Foreign postal code																										
Filing Status 1 <input type="checkbox"/> Single 2 <input checked="" type="checkbox"/> Married filing jointly (even if only one had income) 3 <input type="checkbox"/> Married filing separately. Enter spouse's SSN above and full name here. ▶ 4 <input type="checkbox"/> Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. ▶ 5 <input type="checkbox"/> Qualifying widow(er) with dependent child																																
Exemptions 6a <input checked="" type="checkbox"/> Yourself. If someone can claim you as a dependent, do not check box 6a. b <input checked="" type="checkbox"/> Spouse c Dependents: <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>(1) First name</th> <th>Last name</th> <th>(2) Dependent's social security number</th> <th>(3) Dependent's relationship to you</th> <th>(4) <input checked="" type="checkbox"/> If child under age 17 qualifying for child tax credit (see instructions)</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td><input type="checkbox"/></td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td><input type="checkbox"/></td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td><input type="checkbox"/></td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td><input type="checkbox"/></td></tr> </tbody> </table> If more than four dependents, see instructions and check here <input type="checkbox"/>								(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> If child under age 17 qualifying for child tax credit (see instructions)					<input type="checkbox"/>					<input type="checkbox"/>					<input type="checkbox"/>					<input type="checkbox"/>
(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> If child under age 17 qualifying for child tax credit (see instructions)																												
				<input type="checkbox"/>																												
				<input type="checkbox"/>																												
				<input type="checkbox"/>																												
				<input type="checkbox"/>																												
d Total number of exemptions claimed						Boxes checked on 6a and 6b No. of children on 6c who: • lived with you • did not live with you due to divorce or separation (see instructions) Dependents on 6c not entered above Add numbers on lines above ▶ 2																										
Income 7 Wages, salaries, tips, etc. Attach Form(s) W-2 8a Taxable interest. Attach Schedule B if required b Tax-exempt interest. Do not include on line 8a 8b 9a Ordinary dividends. Attach Schedule B if required b Qualified dividends 9b 10 Taxable refunds, credits, or offsets of state and local income taxes 11 Alimony received 12 Business income or (loss). Attach Schedule C or C-EZ 13 Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/> 14 Other gains or (losses). Attach Form 4797 15a IRA distributions 15a b Taxable amount 16a Pensions and annuities 16a b Taxable amount 17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E 18 Farm income or (loss). Attach Schedule F 19 Unemployment compensation 20a Social security benefits 20a b Taxable amount 21 Other income. List type and amount 22 Combine the amounts in the far right column for lines 7 through 21. This is your total income ▶																																
Adjusted Gross Income 23 Educator expenses 24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ 25 Health savings account deduction. Attach Form 8889 26 Moving expenses. Attach Form 3903 27 Deductible part of self-employment tax. Attach Schedule SE 28 Self-employed SEP, SIMPLE, and qualified plans 29 Self-employed health insurance deduction 30 Penalty on early withdrawal of savings 31a Alimony paid b Recipient's SSN ▶ 32 IRA deduction 33 Student loan interest deduction 34 Tuition and fees. Attach Form 8917 35 Domestic production activities deduction. Attach Form 8903 36 Add lines 23 through 35 37 Subtract line 36 from line 22. This is your adjusted gross income ▶						7 169,270. 8a 9a 10 1,687. 11 12 13 0. 14 15b 16b 17 3,424. 18 19 3,850. 20b 21 22 180,231. 23 24 25 26 27 28 29 30 31a 32 33 34 35 36 37 180,231.																										

Form 1040 (2014)

180,231.

Tax and Credits**Standard Deduction for—**

• People who check any box on line 39a or 39b or who can be claimed as a dependent, see instructions.

• All others:
Single or Married filing separately, \$6,200

Married filing jointly or Qualifying widow(er), \$12,400

Head of household, \$9,100

38 Amount from line 37 (adjusted gross income)

39a Check ☐ You were born before January 2, 1950, ☐ Blind. Total boxes checked **39a**
if: ☐ Spouse was born before January 2, 1950, ☐ Blind.

b If your spouse itemizes on a separate return or you were a dual-status alien, check here **39b**
40 Itemized deductions (from Schedule A) or your standard deduction (see left margin)

41 Subtract line 40 from line 38

42 Exemptions. If line 38 is \$152,525 or less, multiply \$3,950 by the number on line 6d. Otherwise, see instructions

43 Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0-

44 Tax (see instructions). Check if any from: a ☐ Form(s) 8814 b ☐ Form 4972 c ☐

45 Alternative minimum tax (see instructions). Attach Form 6251

46 Excess advance premium tax credit repayment. Attach Form 8962

47 Add lines 44, 45, and 46

48 Foreign tax credit. Attach Form 1116 if required

49 Credit for child and dependent care expenses. Attach Form 2441

50 Education credits from Form 8863, line 19

51 Retirement savings contributions credit. Attach Form 8880

52 Child tax credit. Attach Schedule 8812, if required

53 Residential energy credits. Attach Form 5695

54 Other credits from Form: a ☐ 3800 b ☐ 8801 c ☐

55 Add lines 48 through 54. These are your total credits

56 Subtract line 55 from line 47. If line 55 is more than line 47, enter -0-

57 Self-employment tax. Attach Schedule SE

58 Unreported social security and Medicare tax from Form: a ☐ 4137 b ☐ 8919

59 Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required

60a Household employment taxes from Schedule H

b First-time homebuyer credit repayment. Attach Form 5405 if required

61 Health care: individual responsibility (see instructions) Full-year coverage ☒62 Taxes from: a ☐ Form 8958 b ☐ Form 8960 c ☐ Instructions; enter code(s)

63 Add lines 56 through 62. This is your total tax

Payments

If you have a qualifying child, attach Schedule EIC.

64 Federal income tax withheld from Forms W-2 and 1099

65 2014 estimated tax payments and amount applied from 2013 return

66a Earned income credit (EIC)

b Nontaxable combat pay election 66b

67 Additional child tax credit. Attach Schedule 8812

68 American opportunity credit from Form 8863, line 8

69 Net premium tax credit. Attach Form 8962

70 Amount paid with request for extension to file

71 Excess social security and tier 1 RRTA tax withheld

72 Credit for federal tax on fuels. Attach Form 4136

73 Credits from Form: a ☐ 2439 b ☐ Reserved c ☐ Reserved d ☐

74 Add lines 64, 65, 66a, and 67 through 73. These are your total payments

Refund

75 If line 74 is more than line 63, subtract line 63 from line 74. This is the amount you overpaid

76a Amount of line 75 you want refunded to you. If Form 8888 is attached, check here ☐

Direct deposit? See instructions.

b Routing number 0631101613 c Type: ☒ Checking ☐ Savings

d Account number 1010012966943

77 Amount of line 75 you want applied to your 2015 estimated tax ☐ 77

78 Amount you owe. Subtract line 74 from line 63. For details on how to pay, see instructions

You Owe

79 Estimated tax penalty (see instructions)

Third Party DesigneeDo you want to allow another person to discuss this return with the IRS (see instructions)? ☐ Yes. Complete below. ☒ No

Designee's name

Phone no.

Personal identification number (PIN)

Sign Here

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your signature

Date

Your occupation

Daytime phone number

Joint return? See instructions. Keep a copy for your records.

Spouse's signature (if a joint return, both must sign)

Date

Spouse's occupation

If the IRS sent you an Identity Protection PIN, enter it here (see inst.)

Print/Type preparer's name

Preparer's signature Non-Paid Preparer

Date

Check ☐ if self-employed PTIN**Paid****Preparer Use Only**

Firm's name

Firm's EIN

Firm's address

Phone no.

Form 1040 Department of the Treasury—Internal Revenue Service (99)		2015	OMB No. 1545-0047	IRS Use Only—Do not write or staple in this space.
For the year Jan. 1–Dec. 31, 2015, or other tax year beginning . . . 2015 ending . . . 20				
Your first name and initial JEFFREY J		Last name STEPANOVICH		See separate instructions. Your social security number 374-58-7002
If a joint return, spouse's first name and initial LORA D		Last name STEPANOVICH		Spouse's social security number 416-92-0689
Home address (number and street), if you have a P.O. box, see instructions. 1100 HOLIDAY LN			Apt. no.	Make sure the SSN(s) above and on line 6c are correct.
City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). NAPLES FL 34104			Foreign country name	Foreign province/state/country
			Foreign postal code	Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to the fund. Checking a box below will not change your tax or refund. <input type="checkbox"/> You <input type="checkbox"/> Spouse
Filing Status				
1 <input type="checkbox"/> Single				
2 <input checked="" type="checkbox"/> Married filing jointly (even if only one had income)				
3 <input type="checkbox"/> Married filing separately. Enter spouse's SSN above and full name here. ▶				
4 <input type="checkbox"/> Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. ▶				
5 <input type="checkbox"/> Qualifying widow(er) with dependent child				
Exemptions				
6a <input checked="" type="checkbox"/> Yourself. If someone can claim you as a dependent, do not check box 6a				
b <input checked="" type="checkbox"/> Spouse				
c Dependents:				
(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> If child under age 17 qualifying for child tax credit (see instructions)
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
If more than four dependents, see instructions and check here <input type="checkbox"/>				
d Total number of exemptions claimed 2				
Income				
7 Wages, salaries, tips, etc. Attach Form(s) W-2 202,434.				
8a Taxable interest. Attach Schedule B if required 28.				
b Tax-exempt interest. Do not include on line 8a 8b				
9a Ordinary dividends. Attach Schedule B if required				
b Qualified dividends 9b				
10 Taxable refunds, credits, or offsets of state and local income taxes				
11 Alimony received				
12 Business income or (loss). Attach Schedule C or C-EZ				
13 Capital gain or (loss). Attach Schedule D if required. If not required, check here <input type="checkbox"/>				
14 Other gains or (losses). Attach Form 4797				
15a IRA distributions 15a b Taxable amount 15b				
16a Pensions and annuities 16a b Taxable amount 16b				
17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E 13,690.				
18 Farm income or (loss). Attach Schedule F				
19 Unemployment compensation				
20a Social security benefits 20a b Taxable amount 20b				
21 Other income. List type and amount				
22 Combine the amounts in the far right column for lines 7 through 21. This is your total income 216,152.				
Adjusted Gross Income				
23 Educator expenses 23				
24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ 24				
25 Health savings account deduction. Attach Form 8889 25				
26 Moving expenses. Attach Form 3903 26				
27 Deductible part of self-employment tax. Attach Schedule SE 27				
28 Self-employed SEP, SIMPLE, and qualified plans 28				
29 Self-employed health insurance deduction 29				
30 Penalty on early withdrawal of savings 30				
31a Alimony paid b Recipient's SSN ▶ 31a				
32 IRA deduction 32				
33 Student loan interest deduction 33				
34 Tuition and fees. Attach Form 8917 34				
35 Domestic production activities deduction. Attach Form 8903 35				
36 Add lines 23 through 35 36				
37 Subtract line 36 from line 22. This is your adjusted gross income 216,152.				

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions. BAA REV 12/30/13 PRO Form 1040 (2015)



Form 1040 (2015)		Page 2
38 Amount from line 37 (adjusted gross income)		38 216,152.
Tax and Credits	39a Check <input type="checkbox"/> You were born before January 2, 1951, <input type="checkbox"/> Blind, <input type="checkbox"/> Total boxes checked ▶ 39a	
	b If your spouse itemizes on a separate return or you were a dual-status alien, check here ▶ 39b	
Standard Deduction for— • People who check any box on line 39a or 39b or who can be claimed as a dependent, see instructions. • All others: Single or Married filing separately, \$5,300 Married filing jointly or Qualifying widow(er), \$12,600 Head of household, \$9,250	40 Itemized deductions (from Schedule A) or your standard deduction (see left margin)	40 36,949.
	41 Subtract line 40 from line 38	41 179,203.
	42 Exemptions. If line 38 is \$154,950 or less, multiply \$4,000 by the number on line 6d. Otherwise, see instructions.	42 8,000.
	43 Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0-	43 171,203.
	44 Tax (see instructions). Check if any from: a <input type="checkbox"/> Form(s) 8814 b <input type="checkbox"/> Form 4972 c <input type="checkbox"/>	44 34,988.
	45 Alternative minimum tax (see instructions). Attach Form 6251	45
	46 Excess advance premium tax credit repayment. Attach Form 8962	46
	47 Add lines 44, 45, and 46	47 34,988.
	48 Foreign tax credit. Attach Form 1116 if required	48
	49 Credit for child and dependent care expenses. Attach Form 2441	49
50 Education credits from Form 8863, line 18	50	
51 Retirement savings contributions credit. Attach Form 8880	51	
52 Child tax credit. Attach Schedule 8812, if required	52	
53 Residential energy credits. Attach Form 5695	53	
54 Other credits from Form: a <input type="checkbox"/> 3800 b <input type="checkbox"/> 8801 c <input type="checkbox"/>	54	
55 Add lines 48 through 54. These are your total credits	55	
56 Subtract line 55 from line 47. If line 55 is more than line 47, enter -0-	56 34,988.	
Other Taxes	57 Self-employment tax. Attach Schedule SE	57
	58 Unreported social security and Medicare tax from Form: a <input type="checkbox"/> 4137 b <input type="checkbox"/> 8919	58
	59 Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	59
	60a Household employment taxes from Schedule H	60a
	b First-time homebuyer credit repayment. Attach Form 5405 if required	60b
	61 Health care: individual responsibility (see instructions) Full-year coverage <input checked="" type="checkbox"/>	61
	62 Taxes from: a <input type="checkbox"/> Form 8959 b <input type="checkbox"/> Form 8960 c <input type="checkbox"/> Instructions: enter code(s)	62
	63 Add lines 56 through 62. This is your total tax	63 34,988.
	64 Federal income tax withheld from Forms W-2 and 1099	64 46,821.
	65 2015 estimated tax payments and amount applied from 2014 return	65
Payments If you have a qualifying child, attach Schedule EIC.	66a Earned income credit (EIC) <input type="checkbox"/> No <input type="checkbox"/> Yes	66a
	b Nontaxable combat pay election 66b	66b
	67 Additional child tax credit. Attach Schedule 8812	67
	68 American opportunity credit from Form 8863, line 8	68
	69 Net premium tax credit. Attach Form 8962	69
	70 Amount paid with request for extension to file	70
	71 Excess social security and tier 1 RRTA tax withheld	71 2,325.
	72 Credit for federal tax on fuels. Attach Form 4136	72
	73 Credits from Form: a <input type="checkbox"/> 2439 b <input type="checkbox"/> Refined c <input type="checkbox"/> 8885 d <input type="checkbox"/>	73
	74 Add lines 64, 65, 66a, and 67 through 73. These are your total payments	74 49,146.
Refund	75 If line 74 is more than line 63, subtract line 63 from line 74. This is the amount you overpaid	75 14,158.
	76a Amount of line 75 you want refunded to you . If Form 8888 is attached, check here <input type="checkbox"/>	76a 14,158.
Direct deposit? See instructions.	b Routing number 063107513 c Type: <input checked="" type="checkbox"/> Checking <input type="checkbox"/> Savings	
	d Account number 1010012966943	
77 Amount of line 75 you want applied to your 2016 estimated tax	77	
Amount You Owe	78 Amount you owe. Subtract line 74 from line 63. For details on how to pay, see instructions	78
	79 Estimated tax penalty (see instructions)	79
Third Party Designee	Do you want to allow another person to discuss this return with the IRS (see instructions)? <input type="checkbox"/> Yes. Complete below. <input checked="" type="checkbox"/> No	
	Designee's name <input type="text"/> Phone no. <input type="text"/> Personal identification number (PIN) <input type="text"/>	
Sign Here	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.	
	Your signature <input type="text"/> Date <input type="text"/> Your occupation <input type="text"/>	Daytime phone number <input type="text"/>
Joint return? See instructions. Keep a copy for your records.	Spouse's signature. If a joint return, both must sign. <input type="text"/> Date <input type="text"/> Spouse's occupation <input type="text"/>	If the IRS sent you an Identity Protection PIN, enter it here (see instructions) <input type="text"/>
	Print/Type preparer's name <input type="text"/> Preparer's signature <input type="text"/> Non-Paid Preparer <input type="checkbox"/> Date <input type="text"/>	Check <input type="checkbox"/> if self-employed <input type="checkbox"/> PTIN <input type="text"/>
Paid Preparer Use Only	Firm's name <input type="text"/>	Firm's EIN <input type="text"/>
	Firm's address <input type="text"/>	Phone no. <input type="text"/>

b Employer identification number (EIN) 20-8157287		1 Wages, tips, other compensation 12,837.87		2 Federal income tax withheld 2,640.30	
c Employer's name, address, and ZIP code KEN CORBETT FARMS LLC 972 HIGHWAY 376 LAKE PARK, GA, US, 31636		3 Social security wages 12,837.87		4 Social security tax withheld 795.95	
		5 Medicare wages and tips 12,837.87		6 Medicare tax withheld 186.15	
		7 Social security tips		8 Allocated tips	
d Control number		9 Verification code		10 Dependent care benefits	
e Employee's name, address, and ZIP code JEFFREY STEPANOVICH 1100 HOLIDAY LANE NAPLES, FL, US, 34104		11 Nonqualified plans		12a See instructions for box 12	
		13 Statutory employee <input type="checkbox"/> Retirement plan <input type="checkbox"/> Third party sick pay <input type="checkbox"/>		12b	
		14 Other		12c	
				12d	
15 State GA	Employer's state ID number 3043045-YL	16 State wages, tips, etc. 12,837.87	17 State income tax 726.77	18 Local wages, tips, etc.	19 Local income tax
				20 Locality name	

Form **W-2** Wage and Tax
Statement

2017

Department of the Treasury—Internal Revenue Service

Copy B—To Be Filed With Employee's FEDERAL Tax Return.
This information is being furnished to the Internal Revenue Service.

22222		Void <input type="checkbox"/>	a Employee's social security number 374-58-7002	For Official Use Only ▶ OMB No. 1545-0008	
b Employer identification number 84-1297077		1 Wages, tips, other compensation 58190.07		2 Federal income tax withheld 11591.72	
c Employer's name, address, and ZIP code Windsor Distributing Inc. 5495 Bryson Dr #411 Naples FL 34109		3 Social security wages 58190.07		4 Social security tax withheld 3607.78	
		5 Medicare wages and tips 58190.07		6 Medicare tax withheld 843.76	
		7 Social security tips		8 Allocated tips	
d Control number jeff		9 Verification code		10 Dependent care benefits	
e Employee's first name and initial Jeff		Last name Stepanovich	Suff	11 Nonqualified plans	
f Employee's address and ZIP code 1100 Holiday Lane Naples FL 34104		13 Statutory employee <input type="checkbox"/> Retirement plan <input type="checkbox"/> Third party sick pay <input type="checkbox"/>		12b	
		14 Other		12c	
				12d	
15 State FL	Employer's state ID number 527236-5	16 State wages, tips, etc. 58190.07	17 State income tax	18 Local wages, tips, etc.	19 Local income tax
				20 Locality name	

Form **W-2** Wage & Tax
Statement

2017

Department of the Treasury—Internal Revenue Service

Copy A for Social Security Administration - Send this entire page with
Form W-3 to the Social Security Administration; photocopies are not acceptable.

0000/1725

For Privacy Act and Paperwork Reduction
Act Notice, see the separate instructions.
Black-and-White Form W2 (Revised 03/17)

EXHIBIT D-11
WIT: Stepanovich
DATE: 1-23
Julie Lawrence, CCR

Form 1040 (2017) **JEFFREY J. & LORA D. STEPANOVICH** 374-58-7002 Page 2

Tax and Credits	38	Amount from line 37 (adjusted gross income)	38	102,874
	39a	Check if: <input type="checkbox"/> You were born before January 2, 1953. <input type="checkbox"/> Blind. <input type="checkbox"/> Spouse was born before January 2, 1953. <input type="checkbox"/> Blind. Total boxes checked <input type="checkbox"/> 39a		
	b	If your spouse itemizes on a separate return or you were a dual-status alien, check here <input type="checkbox"/> 39b		
Standard Deduction for—	40	Itemized deductions (from Schedule A) or your standard deduction (see left margin)	40	14,469
• People who check any box on lines 39a or 39b or who can be claimed as a dependent, see instructions.	41	Subtract line 40 from line 38	41	88,405
• All others:	42	Exemptions. If line 38 is \$156,500 or less, multiply \$4,300 by the number on line 6d. Otherwise, see instructions	42	8,100
Single or Married filing separately, \$6,350	43	Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0-	43	80,305
Married filing jointly or Qualifying widow(er), \$12,700	44	Tax (see instructions). Check if any from: a <input type="checkbox"/> Form(s) 8814 b <input type="checkbox"/> Form 4572 c <input type="checkbox"/>	44	11,559
Head of household, \$9,350	45	Alternative minimum tax (see instructions). Attach Form 6251	45	
	46	Excess advance premium tax credit repayment. Attach Form 8962	46	
	47	Add lines 44, 45, and 46	47	11,559
	48	Foreign tax credit. Attach Form 1116 if required	48	
	49	Credit for child and dependent care expenses. Attach Form 2441	49	
	50	Education credits from Form 8863, line 19	50	
	51	Retirement savings contributions credit. Attach Form 8880	51	
	52	Child tax credit. Attach Schedule 8812, if required	52	
	53	Residential energy credits. Attach Form 5695	53	
	54	Other credits from Form: a <input type="checkbox"/> 3800 b <input type="checkbox"/> 8801 c <input type="checkbox"/>	54	
	55	Add lines 48 through 54. These are your total credits	55	
	56	Subtract line 55 from line 47. If line 55 is more than line 47, enter -0-	56	11,559
Other Taxes	57	Self-employment tax. Attach Schedule SE	57	
	58	Unreported social security and Medicare tax from Form: a <input type="checkbox"/> 4137 b <input type="checkbox"/> 8919	58	
	59	Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	59	
	60a	Household employment taxes from Schedule H	60a	
	b	First-time homebuyer credit repayment. Attach Form 5405 if required	60b	
	61	Health care: individual responsibility (see instructions) Full-year coverage <input checked="" type="checkbox"/>	61	
	62	Taxes from: a <input type="checkbox"/> Form 8952 b <input type="checkbox"/> Form 6990 c <input type="checkbox"/> Instructions; enter code(s)	62	
	63	Add lines 57 through 62. This is your total tax	63	11,559
Payments	64	Federal income tax withheld from Forms W-2 and 1099	64	14,232
	65	2017 estimated tax payments and amount applied from 2016 return	65	
	66a	Earned income credit (EIC)	66a	
	b	Nontaxable combat pay election <input type="checkbox"/> 66b		
	67	Additional child tax credit. Attach Schedule 8812	67	
	68	American opportunity credit from Form 8863, line 8	68	
	69	Net premium tax credit. Attach Form 8962	69	
	70	Amount paid with request for extension to file	70	
	71	Excess social security and tier 1 RRTA tax withheld	71	
	72	Credit for federal tax on fuels. Attach Form 4136	72	
	73	Credits from Form: a <input type="checkbox"/> 2429 b <input type="checkbox"/> Reserved c <input type="checkbox"/> 8005 d <input type="checkbox"/>	73	
	74	Add lines 64, 65, 66a, and 67 through 73. These are your total payments	74	14,232
Refund	75	If line 74 is more than line 63, subtract line 63 from line 74. This is the amount you overpaid	75	2,673
	76a	Amount of line 75 you want refunded to you. If Form 8888 is attached, check here <input type="checkbox"/>	76a	2,673
Direct deposit? See instructions.	b	Routing number <input type="text" value="063107513"/> c Type: <input checked="" type="checkbox"/> Checking <input type="checkbox"/> Savings		
	d	Account number <input type="text" value="1010012966943"/>		
	77	Amount of line 75 you want applied to your 2018 estimated tax <input type="checkbox"/> 77		
Amount You Owe	78	Amount you owe. Subtract line 74 from line 63. For details on how to pay, see instructions	78	
	79	Estimated tax penalty (see instructions)	79	
Third Party Designee	Do you want to allow another person to discuss this return with the IRS (see instructions)? <input checked="" type="checkbox"/> Yes. Complete below. <input type="checkbox"/> No			
	Designee's name	Personal identification number (PIN)	Daytime phone number	
	<input type="text" value="BENJAMIN COTTRELL JR"/>	<input type="text" value="59049"/>	<input type="text" value="239-449-4881"/>	
Sign Here	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief they are true, correct, and accurately list all amounts and sources of income I received during the tax year. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.			
Joint return? See instructions. Keep a copy for your records.	Your signature	Date	Your occupation	
	Spouse's signature. If a joint return, both must sign.	Date	Spouse's occupation	
	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed PTIN
Paid Preparer Use Only	<input type="text" value="BENJAMIN COTTRELL JR"/>	<input type="text" value="BENJAMIN COTTRELL JR"/>	<input type="text" value="06/05/18"/>	<input type="text" value="P01066509"/>
	Firm's name <input type="text" value="COTTRELL TAX & ACCOUNTING, LLC"/>	Firm's EIN <input type="text" value="27-1393390"/>		
	Firm's address <input type="text" value="5147 CASTELLO DR NAPLES FL 34103-8929"/>	Phone no. <input type="text" value="239-449-4881"/>		

Go to www.irs.gov/irm1040 for instructions and the latest information. Form 1040 (2017)